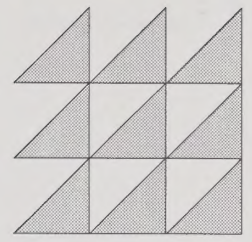


1993?



## Section 2

# Land Use/ Community Character

### Introduction

Planning how land is used within a community provides harmony among the different uses and protects public health. Factors that must be included in this planning process are the effects on property values, the vitality of business and manufacturing and the maintenance of a strong tax base for government and school operation.

This element unifies the other elements of the General Plan by providing an overall policy context for the other elements. The Land Use Element deals with the central issue of growth and helps define the desired balance among the social, environmental and economic costs and benefits associated with that growth.

### Community Character

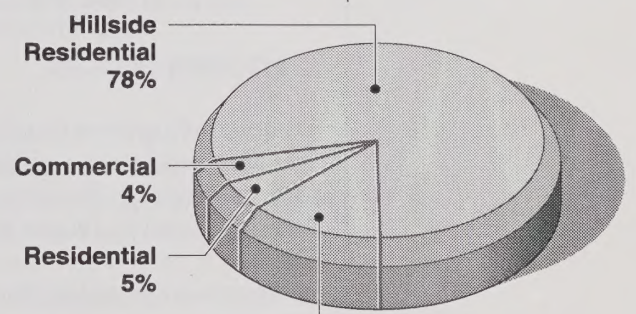
Cupertino has a special community character, a physical setting and visual image that makes the City stand apart from its neighbors. This character contributes to the quality of life and sense of place enjoyed by people who live and work here.

The goal of this element is to promote public and private efforts in maintaining and improving Cupertino's community character. This is done by applying design policies and principles to refine the City's image, avoiding visual contradictions that come from unguided development and protecting irreplaceable natural resources.

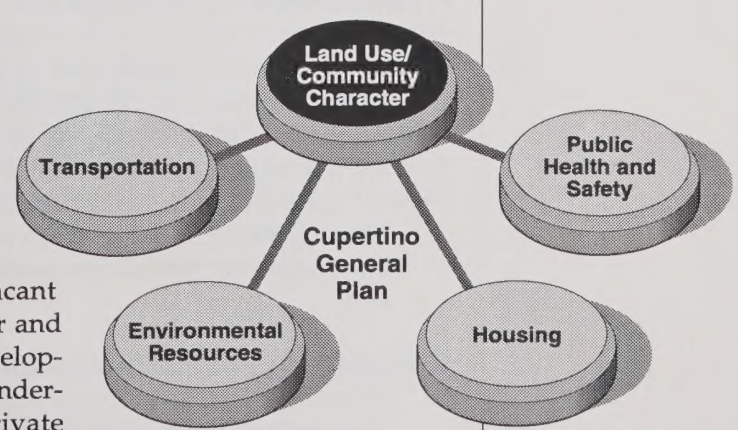
### Major Issues and Goals

Cupertino was incorporated in 1955; since then, it has grown to the point that it can be considered developed. The transportation network is nearly complete and the City's jurisdiction is fairly well settled.

Cupertino will expand mostly on scattered vacant sites. This development must consider the character and density of established neighborhoods. Other City development is likely to occur in areas with outmoded and underdeveloped land uses, which will be replaced by private redevelopment activities. Local concerns and County and regional urbanization will continue to influence decision making.



*Land Available For Development.  
(Source: 1993  
Land Use Survey,  
Cupertino Planning  
Department)*





This element and its recommendations and policies are based on seven issues, each of which will be discussed at length later in this section.

#### **A. COMMUNITY IDENTITY**

Cupertino is located in a broader urban area, the Santa Clara Valley. City boundaries blur unless distinguished by unusual land forms or built features. The City's activity centers—De Anza College, Town Center/Crossroads and Vallco Park—are situated along Stevens Creek Boulevard. Vacant or partially developed sites along or near Stevens Creek Boulevard represent an opportunity to create an identifiable downtown for Cupertino.

#### **B. REGIONAL DISTRIBUTION OF JOBS AND HOUSING**

Jobs are concentrated in northern Santa Clara County; most homes are in south Santa Clara County. Commute traffic congests major streets and is starting to spill over into local streets and divide neighborhoods.

#### **C. HOUSING DEMAND**

Cupertino wants to house residents of all income levels. Expensive single-family houses on large lots have been built by the private market at the cost of other forms of housing. Rental and denser forms of housing may serve people whose households and lifestyles don't fit into big, expensive houses.

#### **D. TRAFFIC MANAGEMENT**

This element must balance two needs: the need to control development so it won't overwhelm the road system and the need for a sound economic base.

#### **E. URBAN FISCAL BALANCE**

The land use mix must support public service by generating enough revenue and the development must be arranged for efficient servicing. Fiscal zoning priorities may clash with other community goals including providing housing for all income levels and supplying non-emergency City services such as parks, recreation and library.

#### **F. ENVIRONMENTAL MANAGEMENT**

Land that can be developed is in high demand. Unless there are fair but firm restrictions to protect the public interest, health and safety, this demand threatens the natural and visual resources of Cupertino. There are several features that are essential elements of the character of Cupertino and must be protected and preserved. Views of the wooded hillsides of the Montebello Ridge of the Santa Cruz Mountains give the City a green backdrop. The streamside environment of the Stevens Creek Flood Plain and significant mature specimen trees must be considered carefully in the urban context.

#### **G. HUMAN COMFORT AND COMMUNITY DIVERSIFICATION**

As traffic congestion gets worse and neighborhoods become more crowded, it's more important for government to protect the physical and mental health of residents from these intrusive effects of urbanization. Social interaction and personal privacy



in living spaces and in the City at large must be balanced. The City must also offer a variety of educational, entertainment and cultural experiences throughout the day for continuous community vitality.

## Community Identity

The General Plan provides a blueprint for growth in Cupertino which maintains and enhances the quality of life, protects the City's natural heritage and ensures long-term economic vitality. This can be accomplished by creating land use controls that enhance Cupertino's natural hillside setting, shape the built environment and provide for economic development.

**A CREATE A SENSE OF PLACE IN CUPERTINO BY ENCOURAGING A DEVELOPMENT PATTERN THAT PROMOTES THE URBAN ENVIRONMENT WITH UNIQUE LAND FORMS AND FEATURES THAT SATISFY THE ECONOMIC, SOCIAL AND AESTHETIC NEEDS OF ITS RESIDENTS.**



Figure 2-A is an urban design overlay that establishes the fundamental direction for this element. It defines the appearance and dominant activities of the desired land use pattern. The diagram defines high-intensity nodes in Town Center and Vallco Park connected by lower-intensity, heavily landscaped suburban office and commercial centers. A pedestrian-oriented downtown, the Heart of the City, containing a mixture of land uses, is planned on or near Stevens Creek Boulevard. The Sports Center, Memorial Park and De Anza College campus form a green edge on the west side of Stelling Road to define the extent of office and commercial development and the transition to less intense land uses in the western half of the City. The diagram also describes the hillside backdrop and Stevens Creek stream corridor, both of which establish the character of the City. The design concepts are refined in the urban design policy section.

Vallco Park and the industrial complex on North De Anza Boulevard are already intensely urban. Town Center has potential for new urban activity. All three of these areas have the potential for highly sophisticated buildings to enhance Cupertino's natural skyline; this will advance the long sought after goal of breaking up the current pattern of commercial strip development.

Housing near major boulevards offers an opportunity to increase streetside landscaping and experiment with interesting juxtapositions of architecture. Reserving space near major streets for housing or open space says that Cupertino wants to diminish the automobile's claim on disappearing vacant urban land and that community identity depends on an around-the-clock population for a vital downtown. By providing for and encouraging a balanced mix of land uses and intensities, the City can achieve a whole and complete community.

### **Policy 2-1: Diversity of Land Use**

Provide adequate land area for employment, housing, shopping, entertainment, cultural activities, health care, personal services, recreation and open space. Encourage mixed use development of commercial/office and housing.



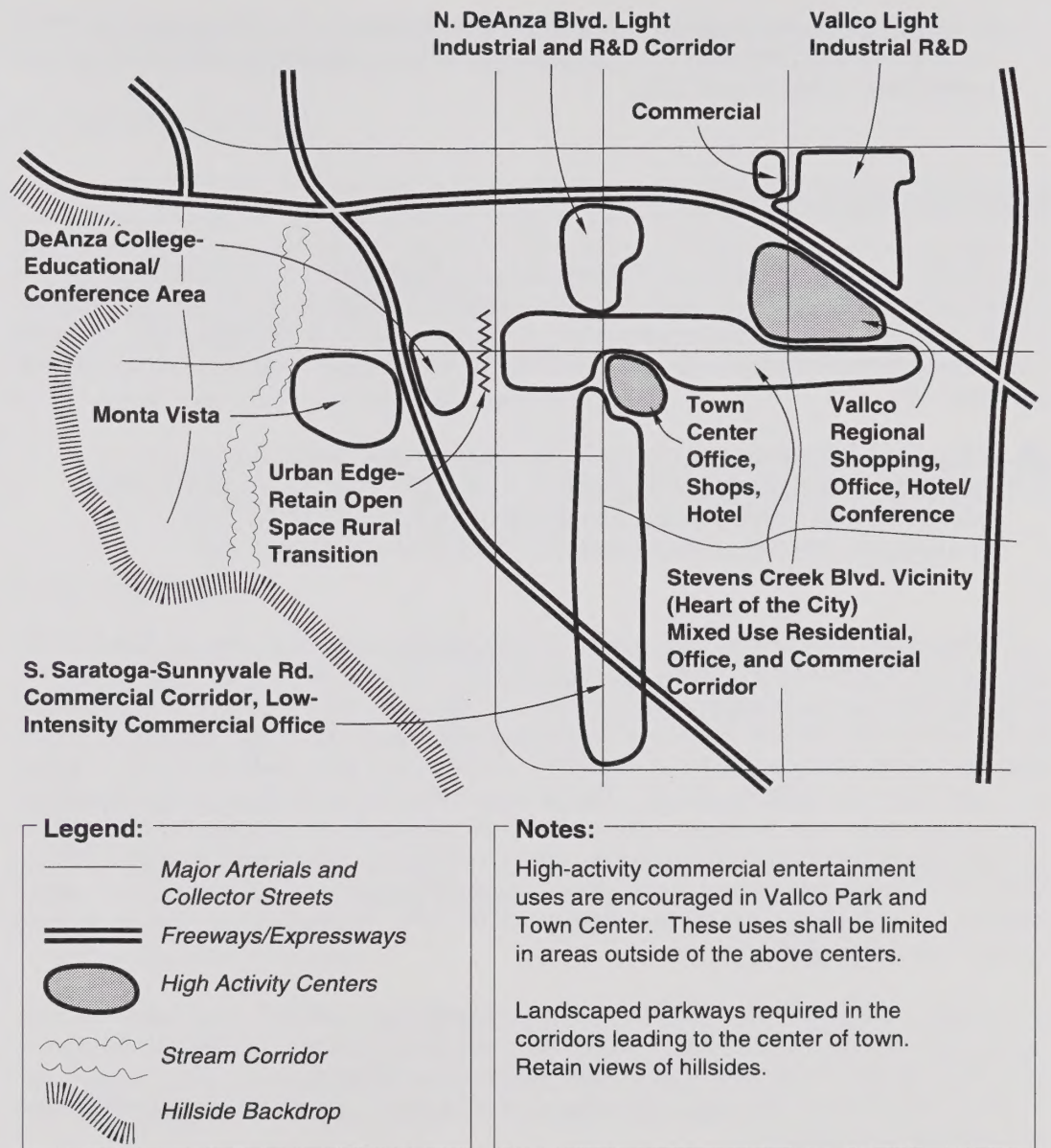


Figure 2-A. Urban Design Overlay.

### Strategies

1. **Regional and Shopping Node in Vallco Park.** Provide a regional employment and shopping node within the Vallco Park planning area.
2. **Link Public Open Space Nodes in Neighborhoods.** Open space nodes within individual neighborhoods should be linked visually and physically to their surroundings to facilitate pedestrian and bicycle access and to help defeat the "barrier" effect of travelways.
3. **Neighborhood Retail Vitality.** Encourage the economic vitality of existing neighborhood retailing uses through selective zoning of new centers, and through careful definition of permissible uses.



4. **Encourage Diverse Evening Pursuits.** Encourage diverse activities, including evening hour services for entertainment, cultural and educational pursuits.

Cupertino is unusual in that it has no identifiable downtown and that most of its available commercial property is along Stevens Creek Boulevard. While Cupertino has numerous amenities and activity centers, they are scattered throughout the City. There is no focal point that creates a sense of place and serves as a source of City identity. The "Heart of the City" concept represents a challenge to create a focal point, a downtown that reflects Cupertino's character in a uniformly planned mixture of stores, housing and public facilities.

**B CREATE A POSITIVE AND MEMORABLE IMAGE OF CUPERTINO BY DEVELOPING A HEART OF THE CITY ON OR NEAR STEVENS CREEK BOULEVARD AND VISUALLY AND FUNCTIONALLY LINKING THE MAJOR ACTIVITY NODES ON STEVENS CREEK BOULEVARD FROM HIGHWAY 85 TO THE EASTERN CITY LIMITS.**



**Policy 2-2: Heart of the City**

Coordinate the efforts of private property owners on or near Stevens Creek Boulevard to plan and create a community focal point that expresses the character of Cupertino through a diversity of uses, serving City residents and scaled for pedestrians.

**Strategies**

1. **Piecemeal Development along Stevens Creek Boulevard.** Restrict piecemeal development along Stevens Creek Boulevard and adjacent areas until the City has adopted a specific plan for the area by means of a broad-based, citywide planning process whereby property and business owners, community groups and interested citizens all participate.
2. **Heart of the City: Stevens Creek Boulevard Specific Plan.** Prepare a Specific Plan for Stevens Creek Boulevard whose objective is to create an environment which links activity nodes and creates a Heart of the City. The Heart of the City represents a unique pedestrian-oriented activity center which will be a positive and memorable gathering place for Cupertino citizens. The Heart of the City shall be located on or near Stevens Creek Boulevard between Route 85 and the eastern City limits. The area of the heart shall be limited to make it unique. The plan shall include the following elements:
  - a) A land use plan specifying the type and arrangement of land uses to promote pedestrian and business activity. Housing is strongly encouraged along the boulevard.
  - b) A design plan which provides for a pedestrian streetscape for the heart and vehicular streetscape for the remaining sections of Stevens Creek which link De Anza College, the Heart, City Center and Vallco Park. The design plan shall contain guidelines that foster pedestrian activity, a sense of arrival and neighborhood protection.



SEE POLICY 2-30  
(STRATEGIES)

- c) A traffic management plan that examines intersection performance, incorporates pedestrian and bicycling activities and provides for future mass transit.
- d) A detailed financing component that examines infrastructure costs and strategies for funding.
- e) A plan for park and recreation facilities.

An urban parkway to the Heart of the City should be developed to create a sense of arrival. New development shall face the street with small front setbacks. Median and property frontage landscaping should unify the parkway effect.

The Crossroads intersection should be developed with a distinct signature to mark its City prominence. Such improvements may include the siting of landmark buildings, street monuments or other public art works, landscaping and special pavement.

## Community Development

### Development Regulation

Historically, Cupertino has regulated development intensity in non-residential areas to limit traffic congestion and control the intensity of building. This regulation was mainly accomplished in two ways:

**Floor Area Ratios (FARs):** This determines buildable floor space by multiplying a specific value (.25, .33, ...) times lot area. FARs limit only the total building area, but do not necessarily dictate the shape or height of the structure.

**Traffic Intensity Performance Standard (TIPS):** This prohibits a development from exceeding a specific vehicular trip rate. The standard limits activities to those that do not exceed 16 one-way trips per acre.

The TIPS policy was generally applied to the North De Anza Boulevard and East Stevens Creek Boulevard areas. Shopping centers that existed before December 1973, when the "Core Area" General Plan amendment was passed, were exempted from the TIPS policy. The FAR policy amendment, adopted in July 1983, was applied to all remaining commercial, office and industrial zoned properties not subject to TIPS. Land-use intensity in the Town Center area was regulated by a specific traffic generation accounting system based on a specified combination of land uses.

Other features of the FARs and TIPS policies included the ability of private property owners to transfer "unused" FAR or TIPS to other properties with prior City approval and allowing higher FARs for residential dwellings in non-residential areas, but not in TIPS-governed areas.



These policies had numerous effects on the City. Non-residential building patterns have typically been low profile and uniform in height, making it difficult to focus development intensity to shape the City's built form and identity. Imbalances in commercial, office/industrial and residential development potential in relation to market demand have resulted in under utilized commercial spaces, low office vacancies and high housing demand. To address these issues, the development regulatory policies are revised as followed:

### Policy 2-3: Development Reallocation

Development activity should be controlled so that the City street system is not overwhelmed with traffic and the desired transportation level of service is maintained. To meet the City's goals and priorities, the remaining uncommitted development potential that achieves the City's transportation goals should be reallocated as shown below. Further adjustments to these allocations may be necessary to ensure that the City's transportation goals are met. Socially beneficial development may be considered in addition to these allocations, providing that traffic, housing and other impacts are evaluated and mitigated if necessary.

*Development Reallocation Table*

Land Use	1990 Built	Committed Growth*	Reallocated Potential Growth	General Plan Buildout	Peak Hour Trip Factor/ 1000 sq.ft., Room or DU	Reallocated Trips
	a	b	c	a+b+c	d	c*d
Retail (sq. ft.)	3,359,000	573,000	500,000	4,431,000	2.60	1,300
Office/Ind (sq. ft.)	7,457,000	541,000	1,294,000	9,292,000**	1.70	2,200
Hotel (rooms)	277	250	500	1,027	0.40	200
Housing (DU)	17,460	584	2,000	20,044	0.80	1,600
<b>Total</b>						<b>5,300</b>

\* Committed growth refers to growth potential that has been approved through use permits, vesting maps and/or development agreements, but has not been built as of 1990. The committed growth will be reallocated by the City if a use permit expires or the project is determined to be inconsistent with the General Plan.

\*\* Figure does not include 2,000,000 square feet of additional mitigated development.

This policy recognizes that a finite amount of development can take place and still remain within the desired transportation level of service. The uncommitted development potential from less than buildout properties would be "reallocated" to meet City development needs and goals. Development allocations shall be made by the City in accordance with its development

SEE POLICY 2-22



approval processes and the following development priorities tables. The Development Intensity Manual will be modified to provide detailed procedures regarding development allocations.

### Strategies

1. The City will modify existing Planned Development zones and area plans and/or develop new specific plans to "freeze" building areas on each retail commercial zoned or used property as of June 1, 1993. Future retail commercial growth can occur in areas that have allocated retail growth. Future retail commercial growth will not be regulated by FAR standards. Growth will be dependent upon allocation of space from retail commercial development priorities table.
2. New retail commercial growth listed in the Development Reallocation Table may be allocated as follows:

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#### Retail Commercial Development Priorities

• Along or near Stevens Creek Boulevard to support the Heart of the City policy.	250,000 sq. ft.
• Remodeling and development of major retail centers on 5+ acre sites outside of the Heart of City and on major arterial streets.	40,000 sq. ft.
• Mixed use developments with residences outside of the Heart of the City.	35,000 sq. ft.
• Development or revitalization of other commercial parcels.	50,000 sq. ft.
• Power Retailer (i.e. high volume discount retailer)	125,000 sq. ft.
• Full service hotel(s), appropriate location evaluated at time of proposal	500 rooms

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3. Office, Research and Development and Industrial growth listed in the Development Reallocation Table may be reallocated as follows:

---

#### Office/Industrial Development Priorities

• Development potential according to base FAR constraints and transferred development credits remains with existing office and industrial parcels.*	1,033,000 sq. ft.
• Town Center & Crossroads Corners	91,000 sq. ft.
• Measurex	20,000 sq. ft.
• Non-designated pool to be allocated based on the following priorities:	150,000 sq. ft.
- Company with 1,500+ employees	
- Company with City corporate headquarters	

\* Office and Industrial property owners may transfer unused development potential from one property to another subject to prior City approval. Such

SEE DEVELOPMENT  
INTENSITY MANUAL

SEE DEVELOPMENT  
INTENSITY MANUAL



properties must be zoned Planned Development and the degree of transfer is determined in part on the permitted land use intensity of the transferring site.

New development will be subject to traffic mitigation measures as stringent as those imposed on the Apple Gateway Project (file no. 11-U-90).

Property owners possessing bonus square footage authorized by the 1983 General Plan retain such square footage.

The base FAR for industrial designation on the General Plan Land Use Diagram is 0.33. The designation for office and office/R&D is .37.

4. Housing units listed in the Development Reallocation Table may be reallocated as follows:

---

**Residential Development Priorities (See Figure 2-B)**

• Residential density potential, based on existing general plan residential land use designations, remains with existing residential parcels.	516
• North De Anza Boulevard Area	150
• Vallco Park	500
• Stevens Creek Boulevard between Torre Avenue and Saich Way, including the Town Center Planning Area	300
• Remainder of Stevens Creek Boulevard between Route 85 and eastern City limits	200
• Bubb Road between Stevens Creek Boulevard and McClellan Road	150
• Undesignated pool	184

Housing in the North De Anza Boulevard and Bubb Road areas shall generate no more peak hour traffic than the office/industrial uses it replaces.

---

5. More refined criteria for evaluating projects which request a share of these allocations shall be developed.
6. The square footage, room and dwelling unit allocations of the development priorities tables may be reviewed by the City on an annual basis to ensure that the development priorities meet City needs and goals.

SEE DEVELOPMENT  
INTENSITY MANUAL



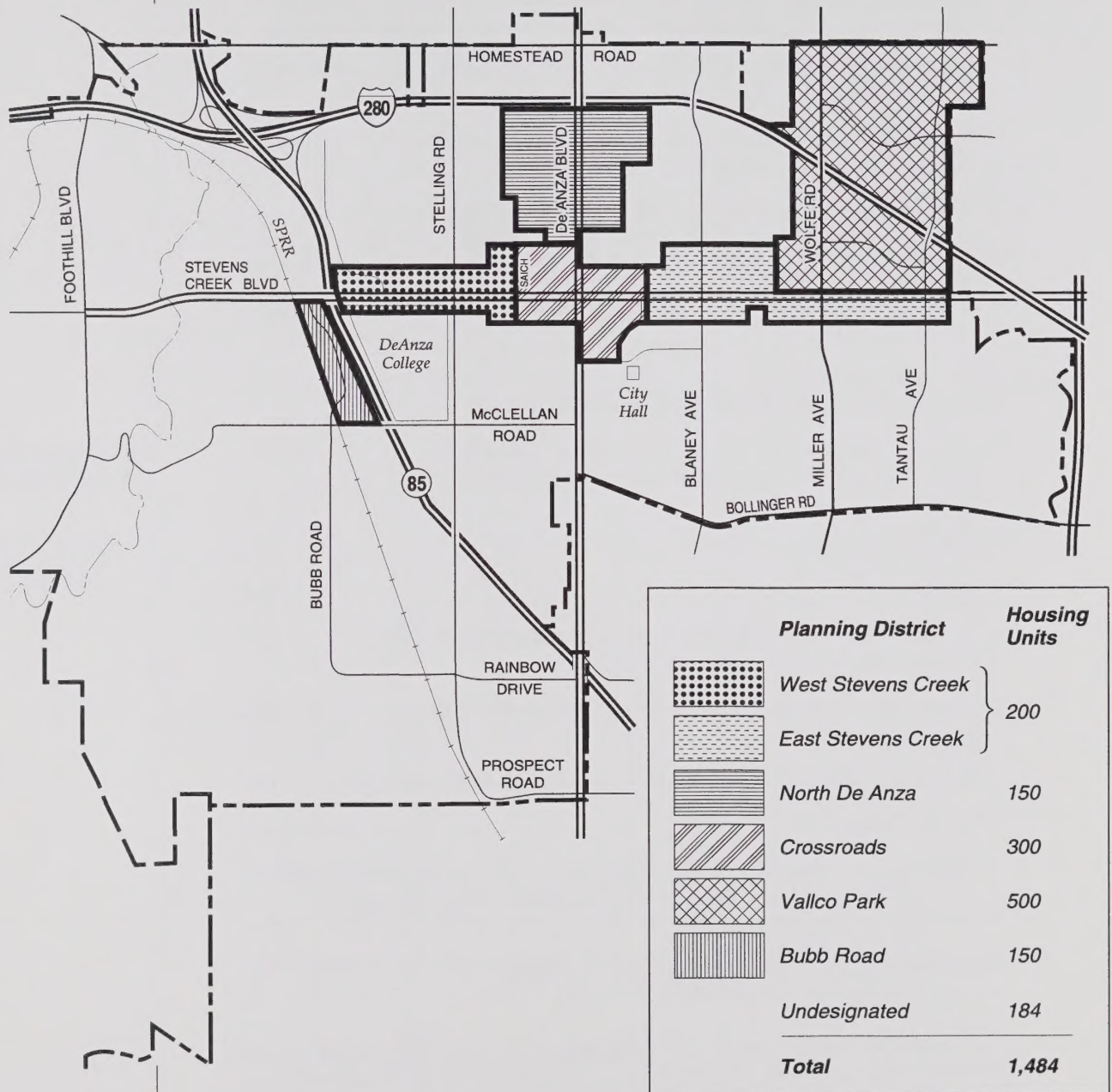


Figure 2-B. Housing Reallocation.



## Special Planning Areas

### TOWN CENTER

**Function:** A large-scale focal point for Cupertino in the City's geographical and historical center.

**Location:** The southeast quadrant at the intersection of De Anza and Stevens Creek Boulevards.

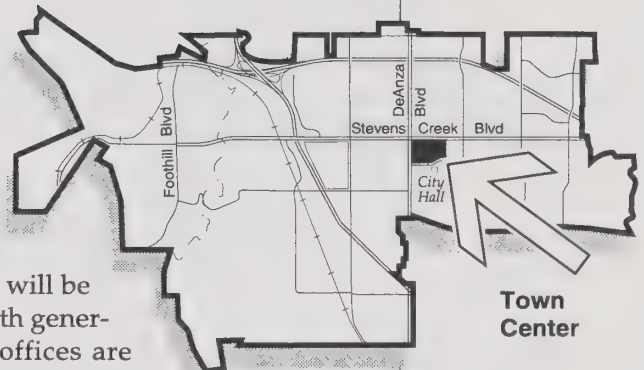
**Development Activities:** Offices, stores, entertainment businesses, housing, cultural facilities and restaurants will be contained in buildings with varied form, combined with generous plazas. Mixed use buildings and government offices are strongly encouraged. A 250-room hotel complex has been previously approved. Plans shall include areas for park and recreation facilities.

Town Center developers are encouraged to submit development proposals which incorporate, to the greatest extent possible, the maximum number of dwelling units allowed by the General Plan.

The maximum 45,000 sq. ft. of non-residential space designated for the site east of Torre Avenue shall be service oriented, professional office and/or community or local retailing activities.

**Building Heights:** The maximum building height is defined by the City Center twin towers. Maximum building height in other portions of this planning area is defined by the heights listed in the building heights table.

**Development Intensity:** See development priorities tables.



SEE 4-U-86  
2-Z-83

SEE POLICY 2-2,  
POLICY 2-25  
(STRATEGIES)

SEE STEVENS CREEK  
BOULEVARD SPECIFIC  
PLAN

### VALLCO PARK

**Function:** Mixed use, highly urbanized regional commercial and employment center.

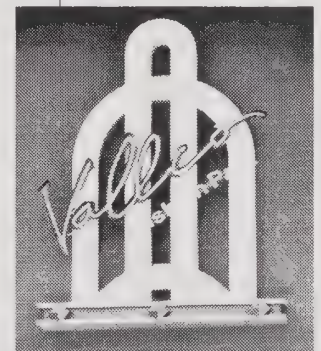
**Location:** Area bounded by Stevens Creek Boulevard, Homestead Road, the eastern City limit line and the western properties fronting Wolfe Road.

**Development Activities:** Vallco Fashion Park and the multiple-story financial center are in place. A hotel complex, a conference facility and related shops/services and additional office, industrial, residential and other ancillary uses may be located in the Vallco Park Planning Area. Plans shall include areas for park and recreation facilities.

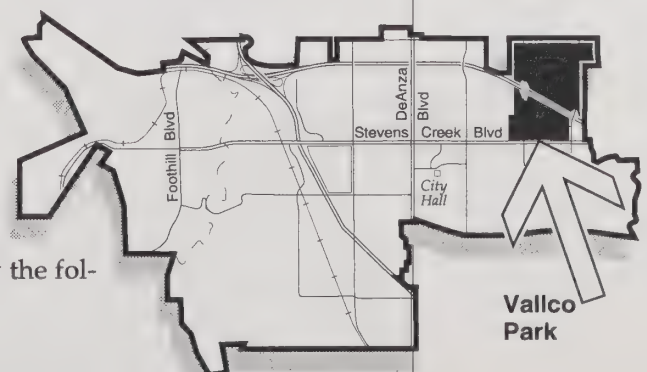
**Building Heights:** See building heights table.

**Development Intensity:** Base intensity is regulated by the following floor area ratios:

Office	.37 FAR
Industrial	.33 FAR



SEE 1-Z-83





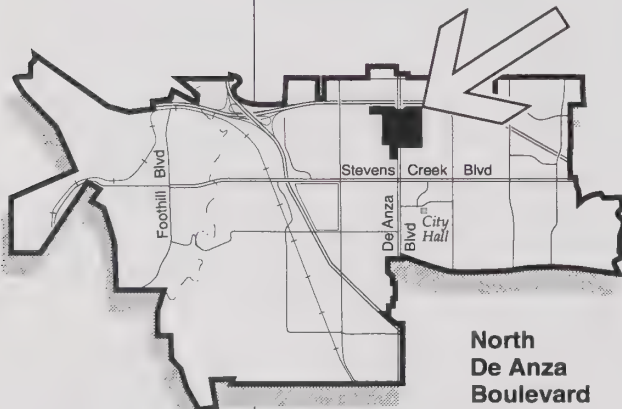
SEE POLICY 2-25  
(STRATEGIES)

The "Lester" property located in the northeast quadrant of Tantau Ave. and Stevens Creek Blvd. and the "Old Hotel Site" located in the southeast quadrant of Pruneridge Ave. and Wolfe Road have no FAR development potential because development intensity was transferred to other sites.

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The Vallco Fashion Park regional shopping center site is allocated 535,000 sq. ft. of additional mixed use commercial, office, industrial and/or hotel building space above the 1,110,700 sq. ft. of space which existed on July 1, 1991. The precise mix of land uses shall be determined via an approved use permit.

Tandem Computers is allocated 450,000 sq. ft. of additional office and industrial space over and above the building areas allowed by designated FARs. The additional building area may be allocated to areas located east of Wolfe Road, south of Pruneridge Ave., and north of Stevens Creek Boulevard.



#### NORTH DE ANZA BOULEVARD

**Function:** Business offices and research and development activity with some stores.

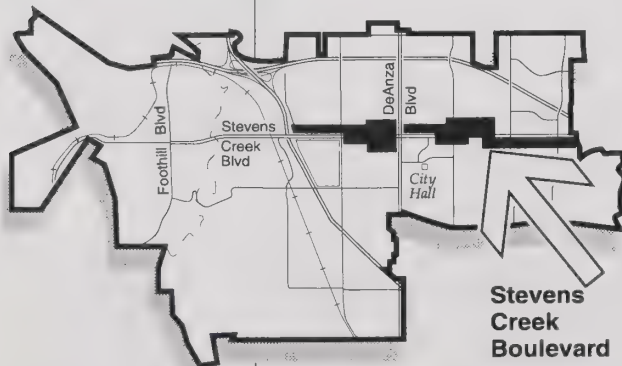
**Location:** Properties between Stevens Creek Boulevard and Interstate 280 on North De Anza Boulevard.

**Development Activities:** Mixed use commercial, office, industrial and residential. Plans shall include areas for park and recreation facilities.

**Building Heights:** See building heights table.

**Development Intensity:** See development priorities tables.

SEE NORTH DE ANZA  
SPECIFIC PLAN,  
POLICY 2-25  
(STRATEGIES)



#### STEVENS CREEK BOULEVARD

**Function:** Mix of commercial retail centers and general office buildings. Mixed use housing developments are permitted.

**Location:** Stevens Creek Boulevard east of Highway 85 to the eastern City limit line.

**Development Activities:** Retail, offices and mixed use projects that include housing. Plans shall include areas for park and recreation facilities.

**Building Heights:** 30 to 45 feet depending on distance from adjacent residential neighborhoods. Taller buildings up to 60 feet may be allowed at the Crossroads corners (at the intersection of De Anza and Stevens Creek boulevards), except the southeast corner.

**Development Intensity:** Existing and zoned office uses have a base development entitlement of .37 FAR. Commercial development requires a development allocation.

SEE STEVENS CREEK  
BOULEVARD SPECIFIC  
PLAN



## MONTA VISTA

**Function:** Monta Vista is the commercial and residential district that predates Cupertino's incorporation. The commercial district should serve as a commercial center for Monta Vista and its adjoining neighborhoods. Residential use areas should be retained and enhanced.

**Location:** The commercial area includes the north and south sides of Stevens Creek Boulevard from the Southern Pacific right-of-way to Byrne Avenue and from Stevens Creek Boulevard south to Granada Avenue and from Orange Avenue to the Southern Pacific Railroad right-of-way.

The residential areas south of Stevens Creek Boulevard are bounded by Granada Avenue to the north, Byrne Avenue to the west, Imperial Avenue to the east, and McClellan Road to the south. The residential area north of Stevens Creek Boulevard is bounded by University Avenue to the north, Peninsula Avenue to the west, Alhambra Avenue to the east, and Stevens Creek Boulevard to the south.

**Development Activities:** Mixed use commercial, office and residential on Stevens Creek Boulevard. Balance of area is designated for a variety of residential types and densities. Refer to Area Plan inset on Land Use Map.

**Building Heights:** Two-story buildings with some three-story elements.

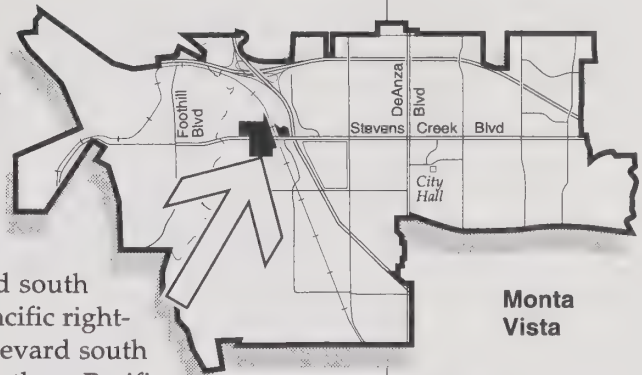
**Development Intensity:**

### Policy 2-4: Land Use Intensity Regulation by FAR

Regulate land use intensity for properties described in Figure 2-C by a .33 Floor Area Ratio for industrial and office activities. Development intensity for other non-residential use areas requires a development allocation.

### Policy 2-5: Commercial Blight and Noise Intrusion

Work to ensure that blight and noise from commercial and industrial uses do not intrude upon residential neighborhoods.



SEE MONTA VISTA DESIGN GUIDELINES, CITY COUNCIL ORDINANCE 1270 (SOUTH OF STEVENS CREEK BOULEVARD) AND CITY COUNCIL ORDINANCE NO. 933 (PENINSULA AVENUE AREA)



SEE POLICY 2-19, POLICY 2-35

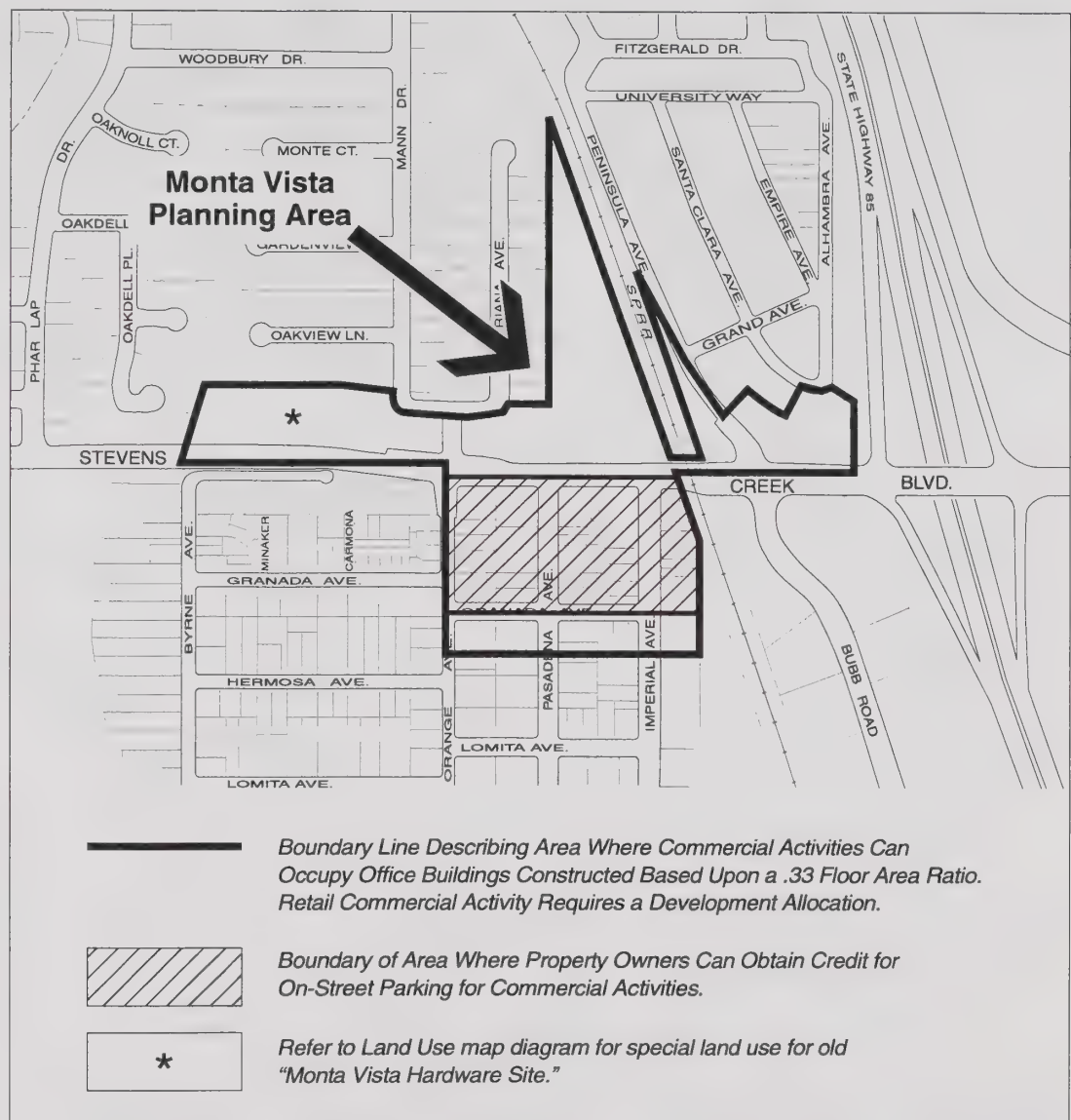


Figure 2-C. Monta Vista Land Use Intensity.

#### Comments:

The commercial district is within the City limits; the residential district contains County islands. Because the jurisdiction is mixed and there is desire to retain the historical atmosphere, the City developed the Monta Vista Design Guidelines which contain explicit development standards to carry out this general policy framework.

#### Policy 2-6: Interconnected Access, Shared Parking of Individual Properties

Ensure that individual properties developed independently of surrounding sites have interconnected pedestrian and vehicle access and shared parking.

#### Policy 2-7: Housing Units Removed Under Eminent Domain

Require that housing units removed under eminent domain proceedings be replaced on a one-for-one basis within the same geographical area and that the people who were displaced can afford the units.

#### Policy 2-8: Architectural Barriers

Eliminate architectural barriers to pedestrian mobility.



### **Policy 2-9: Residential Street Improvements**

Maintain a semi-rural appearance with residential street improvements.

### **Policy 2-10: Neighborhood Landscaping**

Preserve existing neighborhood landscaping features during redevelopment. Emphasize on-site parking instead of street frontage parking.

### **Policy 2-11: Mixed-Use Development**

Allow mixed-use development within the area bounded by Granada Avenue, Stevens Creek Blvd., Orange Avenue and the SP right of way to rely on public parking on Pasadena and Imperial avenues to meet the off-street parking needs for the commercial part of the project.

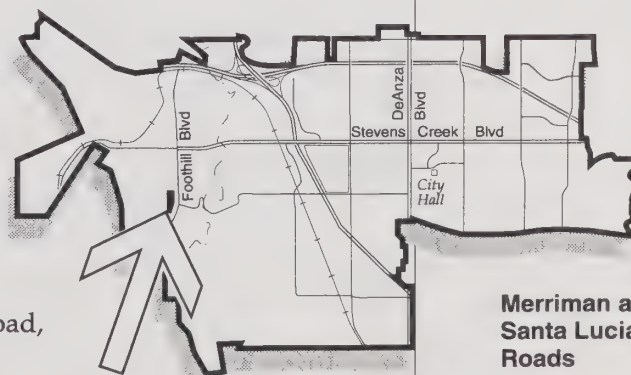
### **Policy 2-12: Storefront Appearances**

Require commercial and office structures to exhibit a traditional storefront appearance to the public street. Require buildings intended initially for office use to be designed to accommodate future entrances from the sidewalk for retail shops. Do not permit the building to be separated from the public sidewalk by extensive landscaping or changes in elevation.

## **MERRIMAN AND SANTA LUCIA ROADS**

**Function:** The area, subdivided in 1917, has duplexes and single-family homes. To recognize standing viable duplexes, legally constructed duplexes may remain in the section of the planning area that is planned for up to five units per acre and will be rezoned to a duplex zoning district.

**Location:** Bounded by Santa Lucia Road, Alcalde Road, and Foothill Boulevard.



**Merriman and Santa Lucia Roads**

## **BALANCE OF COMMERCIAL, OFFICE AND INDUSTRIAL AREAS**

**Building Heights:** Two stories, with some parts of buildings as high as three stories, if the additional height can be found to add diversity and interest to the structure and does not hurt surrounding land uses, especially residential districts.

**Development Activities:** Refer to Land Use Map.

**Development Intensity:** See development priorities tables and .33 FAR for office, and .33 FAR for industrial.

SEE DEVELOPMENT  
INTENSITY MANUAL

## Housing

Cupertino, like most cities, is organized into neighborhoods. Some neighborhoods have a large variety of activities and others have fewer. Any neighborhood must be planned carefully to be sure that its residents live safely and comfortably and that their property investment is protected to a reasonable degree.

The choice of a home is as much an emotional as a financial investment. When people feel they are part of their neighborhoods, and responsible to their neighbors, cooperative relationships can flourish. Neighbors can help watch children at play and help protect property against burglary and other crime. Property owners may also be encouraged to continue to maintain their homes to a high standard.



### **C** ENHANCE AND PROTECT THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS.

#### HOUSING VARIETY

The private housing market is now geared to big, expensive homes on large lots to the exclusion of higher-density housing. Since available housing dictates who moves into a city, this trend will discourage households with different lifestyles from living in Cupertino and adding to its vitality.

Cupertino encourages a variety of housing types. People with low or moderate incomes can be excluded from living in Cupertino when there is no suitable housing. These include the elderly, the handicapped, newly formed households and students.

Current zoning regulations perpetuate the single-family detached house. However, skilled designers can fit more intense residential buildings into scattered, empty lots without harming the single-family neighborhood appearance.

#### ■ *Policy 2-13: Full Range of Housing Opportunities*

Provide for a full range of ownership and rental housing unit densities, including apartments and other high-density housing.

#### *Strategies*

1. **Conversion of Commercial Lands to Residential.** Encourage conversion of commercially designated land to residential, subject to consideration of design and existing neighborhood character and municipal services and utilities.
2. **Residential Property Development At Upper Limits.** Require development of residential properties at the upper limit of the permitted dwelling unit intensity range if the neighborhoods are adequately protected from noise, traffic, light and visually intrusive effects from the development.
3. **Residential Development Exceeding Maximums.** Allow residential developments to exceed planned density maximums if they meet a special





community social goal and the increase in density will not overload neighborhood streets or hurt neighborhood character.

■ ***Policy 2-14: Housing with Other Development***

Consider housing along with non-residential development, permitting it in addition to the non-residential development.

■ ***Policy 2-15: Scale of Residential Development***

Ensure that the scale and density of new residential development and remodeling is reasonably compatible with the City's predominant single-family residential pattern, except in areas designated for higher density housing.

***Strategies***

1. **Residential Development Compatibility With Neighborhood.** Development intensity may be reduced below the minimum in the land use diagram if neighborhood compatibility standards cannot be met.
2. **Reduction of Building's Apparent Size.** Keep visual intrusion into established neighborhoods to a minimum and reduce the apparent size of the building by using different land levels.
3. **Neighborhood Compatibility Work Program.** Staff shall work with the Planning Commission to develop additional residential zoning and subdi-

vision controls to protect neighborhood character from incompatible new residential construction. Possible tools include height limitations and an indexed floor area ratio (FAR).

#### **Policy 2-16: Compatibility of Lot Sizes**

Ensure that zoning requests related to lot size consider the need to preserve neighborhood land use patterns.

##### *Strategy*

Increase the minimum lot size if the proposed new subdivided lot size is smaller than and not compatible with surrounding neighborhood.

#### **Policy 2-17: Housing Variation in the Urban Core**

Encourage variations from the regulations of the zoning district for properties in the urban core area in housing type and increased density, making sure that the development is consistent with the visual character of surrounding buildings.

### **PRIVACY**

A successful residential environment should give people a chance to socialize when they choose to and space to be alone, both inside and outside the home. City attention to privacy consideration during the development approval process can go a long way to set homesites apart from each other. Complete privacy is not possible in a city and people must balance the need for isolation and the need to live within an urbanized area.

#### **Policy 2-18: Privacy in Site Design**

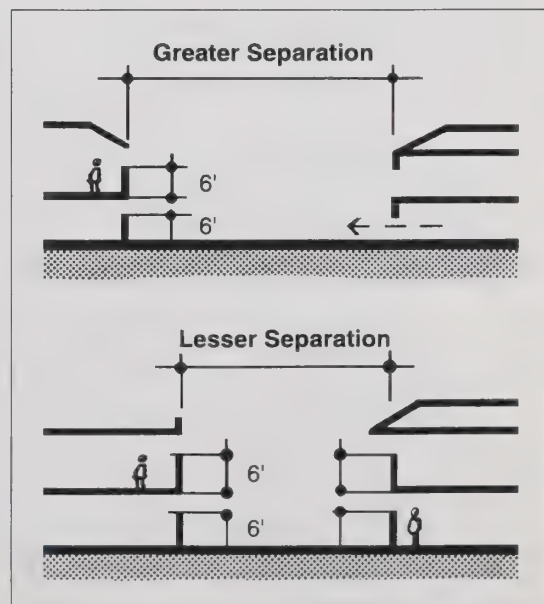
Ensure that the site design for a residential project has private indoor and outdoor spaces for each unit and common outdoor recreation space.

#### **Policy 2-19: Neighborhood Protection**

Protect residential neighborhoods from noise, traffic, light and visually intrusive effects from more intense developments with adequate buffering setbacks, landscaping, walls, activity limitations, site design and other appropriate measures.

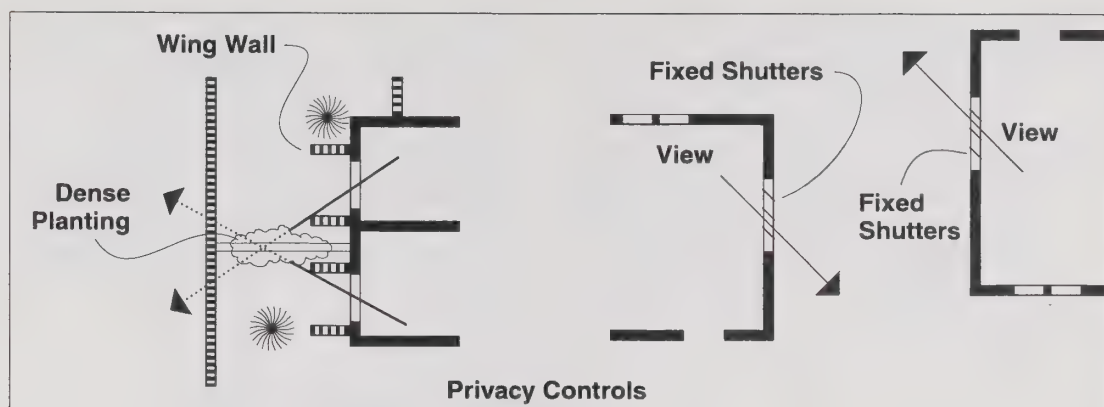
##### *Strategy*

For each planning area, create zoning or specific plans that consider the following measures to reduce incompatibilities be-



SEE POLICY 2-35,  
POLICIES 4-6 AND 4-7





tween new development and existing residential neighborhoods: daylight planes, minimum setback standards, landscape screening, acoustical analysis, location and orientation of service areas away from residential uses and limitations on hours of operation.

#### **Policy 2-20: Minimizing Privacy Intrusion**

Keep the sights and sounds of the neighbors from intruding on residents. Techniques can include greater building setbacks, wing walls, window shutters and non-transparent glass.

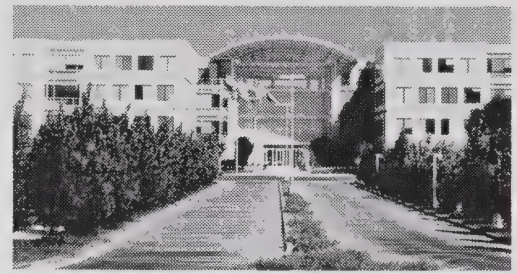
### **NEIGHBORHOOD AWARENESS**

Burglary, vandalism, and other crimes occur in all neighborhoods. Investigating and solving crimes is the job of the police; crime prevention is everyone's job. Design of new buildings must include security measures, so that the people living or working there will feel safe and so police won't have to respond to so many calls. Building design and placement should let neighbors watch each other's properties and children's play areas.

#### **Policy 2-21: Designing for Security**

Use design techniques in new development and rehabilitation to increase security and personal safety and to increase neighborhood awareness.

SEE POLICY 6-39



## Economic Development

Balancing land use intensity against the traffic-carrying capacity of the street network is a major emphasis of the City's land use policy. The policy, however, must also consider the economic health of the community and find ways to encourage redevelopment of older retail centers, as well as provide for the growth of the City's major employers. The development priorities tables already provide an allocation of square footage to meet the needs of small scale redevelopment and revitalization projects. The major employers, however, have long term growth needs that must be reconciled with other City goals.

The objective of the development allocation policies is to ensure that desired development will not overtax the transportation system. If an existing firm or property owner has the ability to reduce the traffic generation of existing and future employees, or can cause an increase in the roadway and/or transit capacity, the firm or property owner may increase development potential beyond that allowed by FARs, approved TIPS credits or reallocated space. The ability to expand beyond limits described above must also be based upon a finding that the expanded project meets broad community goals.

### Policy 2-22: Additional Mitigated Development

Development in addition to the stated development allocations may be permitted if the development conforms to the transportation and housing goals, promotes a positive civic image and provides sufficient economic benefit to the City. This additional development should provide a land use mix which results in sufficient financial return to the City, allowing it to provide amenities to offset the negative aspects of increased growth. Possible mechanisms to ensure economic benefit include:

- redevelopment
- increased retail sales
- development fees
- new taxes and fees
- location of sales office in Cupertino

SEE POLICY 4-3,  
POLICIES 3-24 TO 3-38



Such additional development is capped at a maximum of 2,000,000 square feet above the General Plan level.

The housing and transportation goals for additional mitigated development are specified in the Housing and Transportation elements of this General Plan. The overall objectives of this policy are: the protection of the community from excessive automotive traffic and the noise and air pollution that traffic generates; the creation of additional housing to alleviate housing demand; and the promotion of economic development. The intent of this policy is to provide development opportunities for major employers. The 2,000,000 square feet will be allocated to Apple Computer, Hewlett-Packard and Tandem Computers accordingly:

Apple Computers     558,000

Hewlett-Packard     652,000

Tandem Computers   790,000

REFER TO "TIER 2"  
AND THE "HOUSING  
MITIGATION PLAN"  
FOR A DETAILED  
DESCRIPTION OF  
REQUIREMENTS TO  
TAKE ADVANTAGE OF  
ADDITIONAL MITI-  
GATED DEVELOPMENT

#### **Policy 2-23: Monitoring for Over-Saturation**

Continue to monitor development activity, fiscal effects and development rates to avoid short-term over-saturation of the market.

The City's goal to achieve a balanced community is enhanced by the development and operation of conference facilities to be located in a core area business and office center. Conference facilities would:

1. Provide a meeting and gathering space for official functions that would otherwise be held outside Cupertino.
2. Provide meeting and support services for corporations which are headquartered in the City.
3. Strengthen the viability of a full service hotel, which in turn would provide fiscal benefits to the City.

#### **Policy 2-24: Conference Facilities**

The City may enter into a relationship with a hotel/ conference facilities developer to encourage such a center.

## **Urban Design**

The Community Identity section of this Element outlined the urban design strategy for the City. This section provides more specific guidance on the community's urban design expectations. Past planning has encouraged the development of attractive and interesting environments that are sensitive to adjacent land uses. As the city matures, design expectations will evolve. Current design policies will challenge the community to develop the cohesive designs that create livable outdoor spaces and instill a sense of civic identity.

### Policy 2-25: Urban Focal Points

Intensify the focus of urban development in Vallco Park, North De Anza Boulevard, Town Center, and Stevens Creek Boulevard planning areas, subject to design and transportation network controls.

#### Strategies

1. **Multiple-Story Buildings and Residential Districts.** Allow construction of multiple-story buildings in Vallco Park, Town Center, Stevens Creek Boulevard and North De Anza Boulevard if it is found that nearby residential districts will not suffer from privacy intrusion or be overwhelmed by the scale of a building or group of buildings.

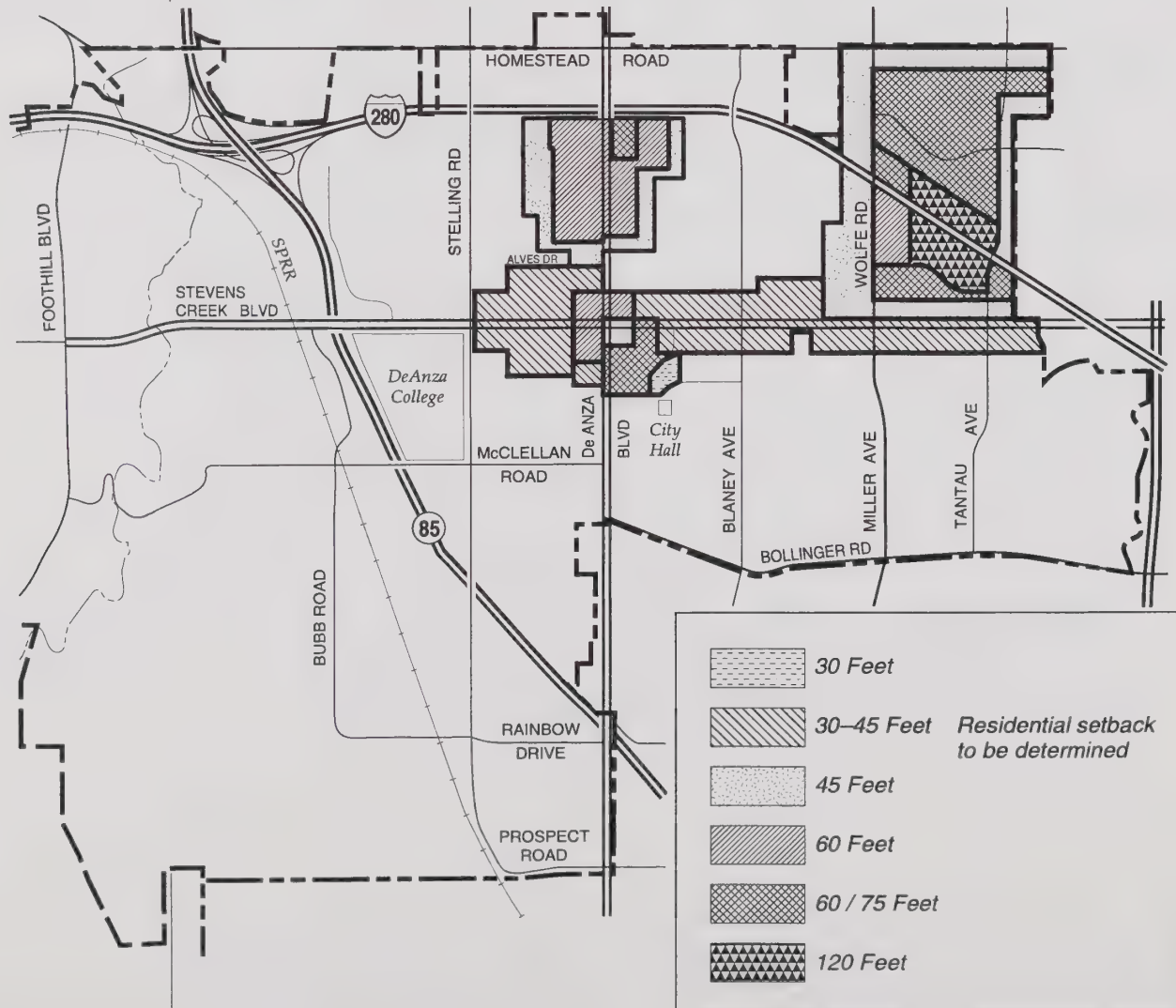


Figure 2-D. Maximum Building Heights.



2. **Maximum Building Heights.** The maximum height for new buildings in various planning areas is specified below:

Planning Areas	Maximum Building Height (Top of Parapet)	
	Typical	Landmark
<b>Town Center</b>		
Area west of Torre Ave. and north of Rodrigues	60'	75'
Area east of Torre Avenue	30'	N/A
Southeast corner of Stevens Creek and De Anza	Remain as is, no obstructed view of towers	
Crossroads Corners (NW,NE,SW Corners)	60'	N/A
Stevens Creek Blvd. (Stelling Rd. to east City limits)	30'-45' depending on distance to residential	N/A
<b>Vallco Park</b>		
Area facing freeway, west of Tantau Ave.	120'	N/A
East side of Wolfe Road from Highway 280 to Vallco Parkway	60'	N/A
North Stevens Creek Boulevard Frontage	45'	N/A
Remainder of Vallco area	60'	75'
<b>North De Anza Blvd.</b>		
Area west of Bandley Drive and its northern extension	45'	N/A
East property frontage of North De Anza Blvd. between Mariani Avenue and Highway 280	60'	75'
Remainder of North De Anza Blvd.	60'	N/A

Portions of planning areas abutting residential areas are subject to a 45-foot maximum height limit in addition to other measures to mitigate visual intrusion. The 45-foot height area, as well as other areas, are graphically described in the building heights map. In the Town Center, the maximum existing building height is defined by the City Center twin office towers. In the Vallco Park area, the maximum committed building height is defined by the Vallco Fashion Mall expansion (file no. 9-U-90), which is subject to a development agreement. The Tandem Jackpot project (File No. 13-U-88), approved at the northwest corner of Stevens Creek Boulevard and Tantau Avenue, is specifically exempted from the above new height limitations and would define the maximum existing building height in the Vallco Park area if built. This height exception applies to the current use permit and any permit extension granted by the City.

Landmark buildings are buildings of prominent community stature that incorporate uses, activities and spaces encouraging public gatherings and uses. To qualify as landmark buildings, proposed projects should be of very high quality architecture, building materials and finishes and conform to at least three of the following criteria:

- a) Location on a major street frontage.
- b) Inclusion of cultural facilities such as art galleries, museums and performing arts centers.
- c) Inclusion of ground level, outdoor public gathering places that feature pedestrian amenities and public art.
- d) Inclusion of uses that promote social gatherings and interaction, such as restaurants or entertainment activities.

Rooftop mechanical equipment and utility structures may exceed stipulated height limitations if they are enclosed, centrally located on the roof and not visible from the adjacent streets.

The zoning code shall be reviewed and revised as necessary to implement these General Plan height policies.

3. **Vallco Park Focal Point.** To better integrate the Vallco Park Fashion Mall with the surrounding community and emphasize its role as a focal point, encourage any new retail development at Vallco Park, south of Highway 280, to provide outdoor shopping experiences in continuity with the present indoor shopping. New office development should also provide outdoor and pedestrian-oriented designs. To achieve this, development review should consider:

- a. Active retail uses facing the street or outdoor pedestrian corridor with appropriate connections to the interior mall shopping activity.
- b. Parking designed and sited to avoid creating pedestrian barriers and shopping islands.
- c. Buildings sited to develop a strong street presence.
- d. Projects including pedestrian amenities: landscaping, furniture, fountains, canopies, special paving materials and other features to enhance pedestrian activity.

## Building Form and Scale

Cupertino encourages variation in form, scale and intensity of building activity. Areas of high-intensity development offer the greatest opportunity for innovations in construction and the City encourages creative approaches to large-scale site planning.

The size, color, material and design of buildings—and the placement on their sites—result in a cumulative design statement that shapes the image of the City. Figure 2-A de-



scribes the two high-intensity nodes at Town Center and Vallco Park. The links between Town Center, Vallco and other activity centers in the City must be weighed along with a consideration of the design relationship between various use types. The City does not impose a specific architectural style; it seeks a variety of building forms and materials. Cupertino stresses the need to establish design harmony between differing uses, for example, between commercial and residential.

**D ENCOURAGE A DEVELOPMENT PATTERN FOR THE COMMUNITY THAT WILL PROMOTE A VARIETY OF SCALE AND FORMALITY IN BUILDINGS AND THAT WILL FACILITATE ACCESS TO ALL PARTS OF THE COMMUNITY BY ALL SEGMENTS OF THE POPULATION.**

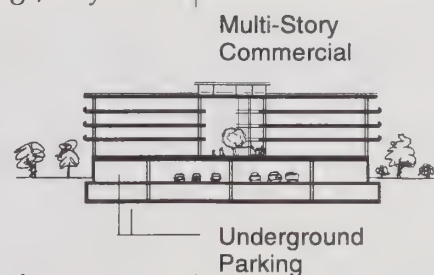


**Policy 2-26: On-Site Environments**

Emphasize attractive, on-site environments during the development review process by giving careful attention to building scale and mass, landscaping, placement, screening of equipment and loading areas and related design considerations.

**Strategies**

1. **Low-Profile Building Heights.** Ensure that building height reflects Cupertino's low-profile design. Consider buildings taller than two stories in locations that are already urban in character or where otherwise specified.
2. **Monotonous and Monolithic Building Appearance.** Through the City's development review process, encourage sensitive design and site planning that avoids monotonous and monolithic buildings. Design and site planning techniques should include articulation and segmentation of the wall and roof planes, pedestrian-scaled building details, visual openings in the wall plane, smaller building footprints, appropriate building and story setbacks and hierarchical landscaping. If the project has many buildings, they should be grouped to create a feeling of spatial unity.
3. **Parking Placement in New Development.** Encourage developers of commercial, office or industrial sites to look into underground parking or consider placing the building above ground-level parking. Review the design of the below-level parking facilities with the City's police agency to minimize crime potential.
4. **Development Review.** In the City's development review process for major projects, require:
  - computer simulated modeling and photo montage of development proposals
  - architectural review by a City staff or consulting architect. A separate architectural review fee should be charged in addition to standard application fees.
5. **Design Guidelines.** Consider developing thematic architectural design guidelines for different areas in the City.



Generally, abrupt changes in building scale should be avoided. A more gradual transition between buildings of one and two stories and low-rise to mid-rise buildings should be achieved by using three-story and four-story buildings at the edge of the project site.

Provide Transition Between Low Buildings and Mid- and High-Rise Structures



Preferred

Avoid

### Policy 2-27: Public Open Space Development

Encourage development of residential and public open spaces on lands next to major streets to give a balanced variety of land uses, to increase the housing supply and to break current or potential strip development patterns.

## Streetscape

Cupertino's streets heavily influence the City's form and the lifestyles of people who live here. Streets can form neighborhood boundaries and add to the sense of community, but they can also compartmentalize and cut off other areas, causing isolation.

Streets become barriers when they are difficult to cross, thus closing off one neighborhood from another. According to studies, speed, even more than the volume of traffic, greatly influences the activities of people who live nearby. Families with young children want to live somewhere else and people who do live near major streets often decide not to have pets because of traffic dangers.



Because of past decisions and the growth of neighboring cities, Cupertino is cross-divided by a grid of major streets with a high-volume carrying capacity to accommodate through commute traffic. The roadway network is probably the most serious threat to the integrity of Cupertino's community character. Traffic danger, odor, noise and the stacking effect of cars at peak times disrupt activities along the streets. Taken to extremes, the major streets could turn Cupertino into a random collection of individual neighborhoods.



A city designed around automobiles works and looks entirely differently from one built for a variety of transportation. People who live in a city designed for cars don't have much opportunity to use other forms of transportation.

Street improvement design is guided by these standards:

- a. Ensure that De Anza Boulevard leading to the center of Cupertino remains park-like through 50-foot landscaped parkways, landscaped medians and abundant on-site landscaping.
- b. Limit entrances and exits to properties to avoid disrupting landscaped continuity and traffic flow.
- c. Provide on-site coordination of driveways and parking aisles to allow access to secondary streets and traffic signals and to keep disruption of traffic flow to a minimum.
- d. Hide off-street parking from public view as much as possible. Determine the required number of off-street parking spaces for multiple-story projects in the Core Area along with specific development proposals.

SEE POLICY 2-32

SEE POLICY 2-29

People notice when they are in a different city by looking at its streets. Cupertino can distinguish itself from the outlying fringes of Sunnyvale and San Jose by avoiding the strip development—an unbroken continuity of commercial and office buildings with intense daytime activity where the automobile is king.



## Gateways

Gateways are important in creating a memorable impression of a city, often using formal elements—arches, fountains, banners or landscaping. Gateways may also be dramatic without constructed devices and are not always found at the city limits. For example, the street overcrossing at Lawrence Expressway and Stevens Creek Boulevard is a definite gateway to the east edge of Cupertino, even though the overcrossing is not in Cupertino.

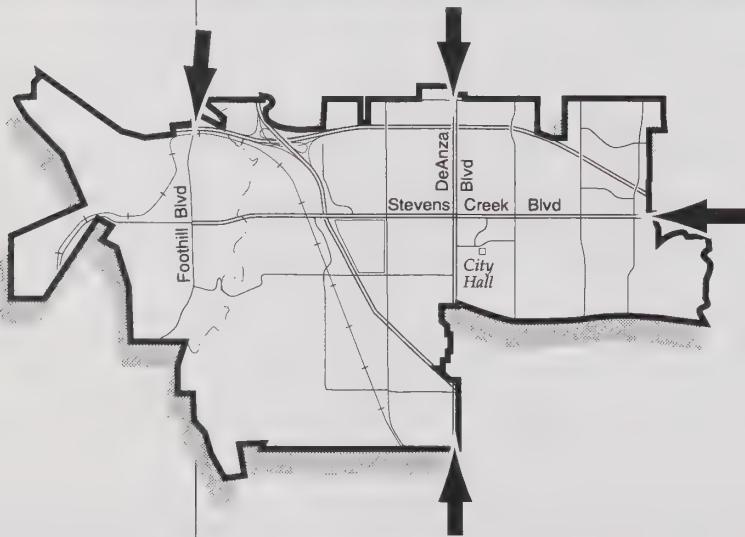
### Policy 2-28: Community Gateways

Review properties next to community entry points when they are developed or redeveloped to reflect the gateway concept.

Large numbers of curb cuts can impede traffic flow on busy streets as drivers enter travel lanes indiscriminately. Landscaping themes along the street frontage maintain a stronger visual continuity with fewer curb cuts.

### Policy 2-29: Curb Cuts

Minimize the number of driveway openings, or curb cuts, in each development.

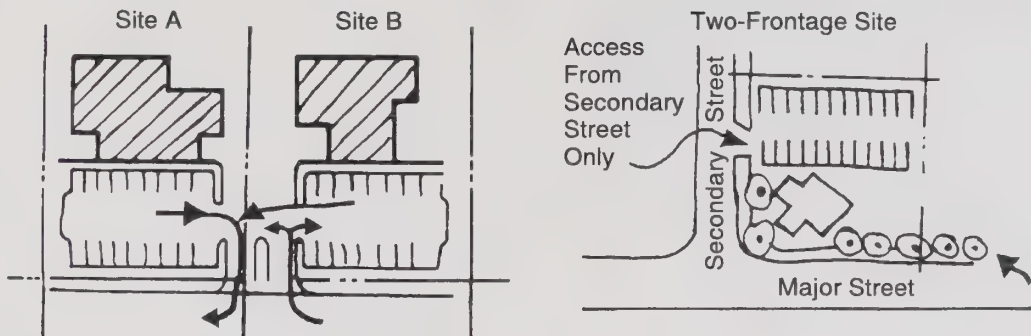


## Strategies

1. **Shared Driveway Access.** Encourage property owners to use shared driveway access and interconnected roads on specific properties where feasible. Require driveway access closures, consolidations or both when a non-residential site is remodeled.
2. **Direct Access From Secondary Streets.** Encourage owners of property with frontages on major and secondary streets to provide direct access to driveways from the secondary street.
3. **Temporary Curb Cuts On Non-Residential Sites.** Permit temporary curb cuts on a non-residential site subject to the City finding that the opening is necessary for public safety. These temporary openings may be closed and access to the driveway made available from other driveways when surrounding properties are developed or redeveloped.

SEE POLICY 4-5





### Policy 2-30: Street Improvement Planning

Plan street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, benches and trash containers as an integral part of a project to ensure safe movement of people and vehicles with the least possible disruption to the streetscape.

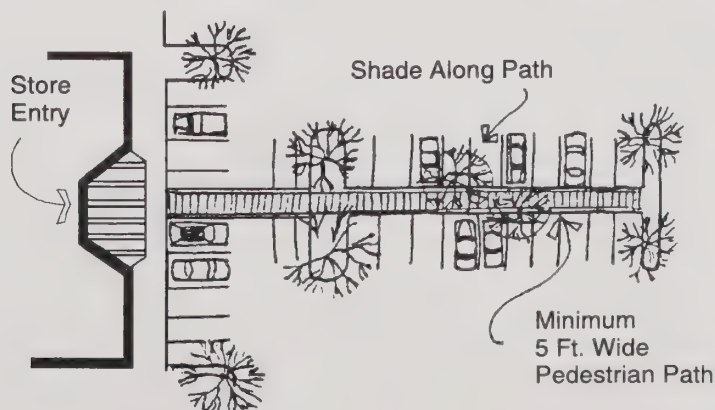
#### Strategies

1. **Sidewalk Access to Parking or Buildings.** Examine sidewalk access to parking areas or building frontages at the time individual sites develop to regulate entry to the site at a central point. Sidewalks should generally be no wider than five feet, except in the Heart of the City where increased pedestrian activity necessitates wider walkways.
2. **Bus Stop Turnouts in Street Frontages.** Require bus stop turnouts, or partial turnouts, within the street frontage of a new or redeveloping site. This could contain benches and trash containers for the comfort of people waiting for a bus. Follow Santa Clara County Transit District specifications for improving bus stops.

SEE POLICY 2-2

### Policy 2-31: Parking Area Layout

Include clearly defined spaces for pedestrians in parking lots so that foot traffic is separated from the hazards of car traffic and people are directed from their cars to building entries.





## Urban Scenic Corridors

Hoping to lessen the visual disruption of Cupertino's image caused by the City's two major boulevards, the City Council requires an extensive landscape setback next to De Anza Boulevard from Stevens Creek Boulevard to Route 280. This will lead the observer to or from the pedestrian-scale shopping environment of Town Center through an intensely planted parkway that motorists driving cars can enjoy.

### Policy 2-32: Boulevard Landscaping Setback

Require properties fronting North De Anza Boulevard to provide a landscaped front setback of 50 feet from the face of the curb, excluding parking lots.

### Strategies

1. **Reduction of Landscaping Width.** Consider reducing the 50-foot width according to the size of the project frontage and the scale and the type of the proposed development.
2. **Views of Plantings From Passing Cars.** Select and arrange plantings so that they can be viewed by people driving cars.

### Policy 2-33: Roadway Design to Offset Barriers

Encourage using design techniques and development controls to offset the divisive barrier effects of major roadways.

### Strategies

1. **Small Buildings Near Residences.** Build smaller buildings on land next to streets that lead to residential neighborhoods.
2. **Crosswalk Marking and "Chokers."** Mark crosswalks with pavement treatment scaled to the speed of the street and use "chokers" to narrow the street crossing.
3. **Parkway Setback and Town Center.** Do not allow the parkway setback to extend into the Crossroads intersection commercial district or into the future commercial development in Town Center.



## Sign Control

In order to keep its streets attractive, Cupertino rejects the modern merchandising technique of directing business signs at drivers frequently and from as far away as possible. The City is also de-emphasizing commercial strip development. So, business signs visible from the streets are limited to those necessary to identify a business site, rather than to advertise from afar. This sign control also connects the Vallco-North De Anza Boulevard-Town Center areas along the City's major streets by keeping sign disruption to a minimum.

SEE SIGN ORDINANCE

## Rural Scenic Highways

Most of the significant rural roads are outside City jurisdiction and are covered by the County Scenic Highway Preservation Policy. Montebello and Stevens Canyon Roads in the western foothills and the upper segment of Regnart Road at the south edge of the City are among these streets. The scenic integrity of these rural roads can be protected by significant frontage setbacks, reduced right-of-way and reduced carrying capacity, while still permitting adequate public access to their unique beauties.



## Neighborhood Entries

Well-defined entrances are essential to neighborhoods. They aid public safety because drivers are likely to slow down and pay closer attention when they know they are entering a residential area. A gateway that is appropriately styled and in keeping with neighborhood scale can help residents feel a part of the neighborhood.

### Policy 2-34: Neighborhood Gateways

Define neighborhood entries through architecture, landscaping, or land forms appropriate to the formal or rural character of the neighborhood. Discourage electronic security gates, walls and fences because these isolate individual developments.

### Strategy

**Standing Housing and New Development.** Identify standing housing groups while the area is being redeveloped so that they can be enhanced by modifying the street pattern, the street landscaping or by other techniques.

## Traffic Intrusion

Cars intrude into local neighborhood streets at peak traffic hours from Cupertino's many major boulevards and streets. There are several ways to minimize this intrusion, including building streets so that they connect circuitously, rather than directly, to major streets; using street "diverters" that direct or eliminate turns; and allowing variations in pavement width to discourage speeding and emphasize crosswalks.

### Policy 2-35: Neighborhood Traffic Pattern Investigation

Investigate neighborhood traffic patterns comprehensively and find solutions to protect neighborhood streets from through-traffic spillover.

SEE POLICY 4-7



## Environmental Management

**E** PROTECT THE ENVIRONMENT AND THE PERSONAL SAFETY OF THE CITY'S RESIDENTS.



It is necessary to respect irreplaceable natural assets which define community character. Sometimes, careful design controls can cause buildings to complement and enhance the natural terrain. For example, the landmark Maryknoll Seminary is situated on a prominent ridgeline and accents the wooded setting. In other cases, such as in the Stevens Creek Flood Plain, the land's natural plants should be left undisturbed as a break in the urban pattern.

## Preserving the Hillsides

Cupertino's hillsides are an irreplaceable resource shared by the entire Santa Clara Valley. Building a low-intensity residential development in the foothills would give the





owners of these houses an interest in preserving the natural environment. This kind of development would be limited to high-income households; this is in compliance with the broad goal of providing housing opportunities to all economic segments of the community. Cupertino is trading off housing opportunity for low-income and moderate-income households for the preservation of a natural resource that benefits the region.

#### **Policy 2-36: Foothill Development**

Apply a slope-density formula to very low-intensity residential development in the hillsides. Density shall be calculated based on the foothill modified, foothill modified 1/2 acre, and the 5-20 acre slope density formulae. Actual lot sizes and development areas will be determined through zoning ordinances, clustering and identification of significant natural features.

SEE "SLOPE DENSITY"  
DOCUMENT

#### **Policy 2-37: Special Hillside Protection Area**

The 5-20 acre slope density designation shall provide special hillside protection to form a continuous open space/very low density buffer west of the existing urban/suburban development pattern. The area shall include the Kaiser property, the Diocese property, Regnart Canyon area, Inspiration Heights area and other similar properties.

#### **Policy 2-38: Hillside Parcel Consolidation**

In the 5-20 acre slope density area, require that adjacent properties with lots less than 5 acres in size be consolidated if held in common ownership at the time of General Plan amendment approval and if only one of the lots is developed. Consolidation can be achieved by permitting development on only one of the commonly-held parcels.

#### **Policy 2-39: Rezoning in Inspiration Heights**

Rezone the shaded area shown in Figure 2-E from R1-10 to RHS.

#### **Policy 2-40: Existing legal lots in foothill modified and foothill modified 1/2 acre slope density designations.**

Existing, vacant legal lots are not considered buildable in the foothill modified and foothill modified 1/2 acre slope density designations if they are substandard in lot size. They are also considered unbuildable if development is proposed on slopes greater than 30%, or on any other areas where studies have determined the presence of health and safety problems; this also applies to lots in any R-1 zoning district in the City. An exception process will be created for an applicant to seek discretionary approval for an unbuildable parcel.

Over 200 acres of vacant land exist on the Diocese property in the western area of Cupertino. It is partially bordered by County park and Midpeninsula Open Space District lands, and contains such natural features as a riparian corridor, steep, wooded slopes and visually sensitive open lands. Most of the land is subject to Williamson Act contract. While park purchase of the property is a top priority, should future development be proposed, the following policy shall apply.

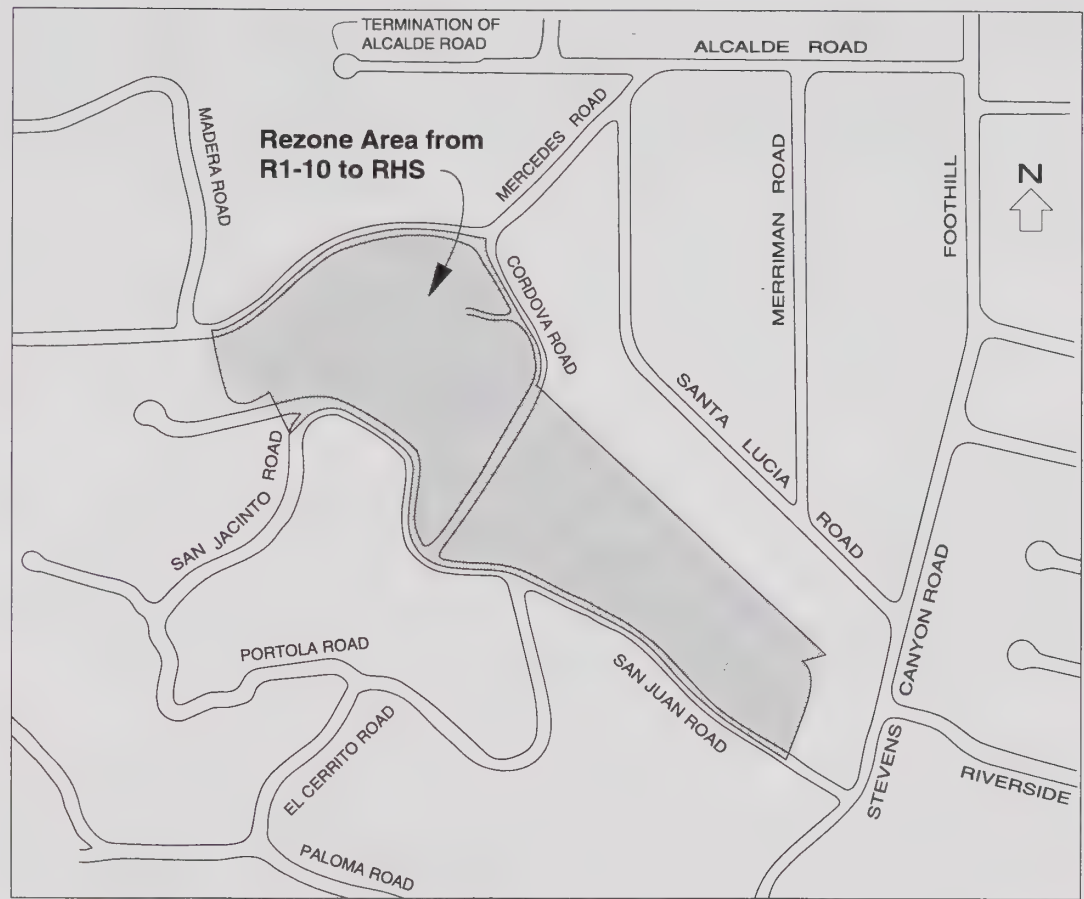


Figure 2-E. Hypothetical Development Plan for Inspiration Heights.

■ **Policy 2-41: Diocese Property Protection**

Apply all hillside protection policies to the Diocese Property, and specifically protect the prominent knoll on the northeast side of the property and the steep, wooded southwest corner of the property.

■ **Policy 2-42: Urban Service Area Boundaries**

The current urban service area shall not be expanded. The intent of this policy is to limit future development to lands within the existing urban service area.

■ **Policy 2-43: Clustering Development in Major Subdivisions**

Lots in major subdivisions in the 5-20 acre slope density designation shall be clustered, reserving 90% of the land in private open space to protect the unique characteristics of the hillsides from adverse environmental impacts. The project shall keep the open space area contiguous as much as possible.

SEE MUNICIPAL  
CODE, TITLE 18



**Strategy**

Change the Municipal Code to include this requirement. Require that significant natural features, such as vegetation, slopes over 30%, creeks and water courses, faults, landslides and prominent ridgelines be shown so that the area for clustered development can be determined. Require an open space easement or an open space zoning district on the 90% undeveloped area.

**Policy 2-44: Private Open Space Zoning**

Establish a private open space zoning district which would allow an owner to designate portions of his property for open space with provisions for trail easements, maintenance standards and other items consistent with preserving the property in its natural state while retaining it in private ownership.

SEE MUNICIPAL  
CODE, CHAPTER  
19.24

**Policy 2-45: Clustering Development in Minor Subdivisions**

Encourage clustering of development for minor subdivisions in the 5-20 acre slope density designation. Encourage reserving and dedicating 90% of the land in private open space to protect the unique characteristics of the hill-sides from adverse environmental impacts. The project shall keep the open space contiguous as much as possible.

**Strategy**

Change the Municipal Code to include these guidelines.

**Policy 2-46: Hillside Building Standards**

Establish stricter building and development standards for the hillside area which, among other things, would provide that views of the ridgelines remain unobstructed and that designs, colors and materials for homes and other structures blend with the natural hillside environment.

SEE MUNICIPAL  
CODE, CHAPTER  
19.40

**Policy 2-47: Ridgeline Visibility**

No structures shall be located on ridgelines if visible from new and established valley floor vantage points unless it is determined that significantly greater environmental impacts would occur if structures are located elsewhere.

**Strategy**

Amend the Municipal Code to state that structures shall not disrupt the natural silhouette of ridgelines as viewed from new and established vantage points on the valley floor. Consider the addition of new vantage points such as Foothill Boulevard, McClellan Road, Rainbow Drive, Bubb Road and Regnart Road.

**Policy 2-48: Location of Structures**

Locate proposed structures to minimize the impacts on adjacent hillside properties and public open space.

SEE POLICY 6-1

**Policy 2-49: Avoidance of Geologic Hazards**

Identify geological hazards on sites proposed for development and avoid or limit development in those areas.

**Strategy**

Amend the Municipal Code to reflect these policies.

**Policy 2-50: Reducing Visible Mass**

Effective visible mass shall be reduced through such means as stepping structures down the hillside, following the natural contours, and limiting the height and mass of the wall plan facing the valley floor.

**Strategy**

Incorporate color, materials and height requirements into the Municipal Code.

**Policy 2-51: Outdoor Lighting**

Outdoor lighting should be low intensity and shielded to minimize illumination off-site.

**Policy 2-52: Building Heights**

Provide development standards which limit the height and visual impact of structures.

**Strategy**

Amend the Municipal Code to further limit the height requirements, including overall height and the perceived height of multiple levels from the downhill elevation perspective.

**Policy 2-53: Steep Slopes**

No structures or improvements shall occur on slopes greater than 30% unless an exception is granted.

**Strategy**

Amend the Municipal code to include this requirement.

There will be some scarring from hillside development as roads, housing sites and public and private subdivision improvements are graded. So, improvement standards must balance the need to furnish adequate utility and emergency services against the need to protect the hillside, vegetation and animals. Roads should be narrowed to avoid harming trees and streambeds. Grading should be kept to a minimum by prohibiting mass grading

SEE POLICY 2-40



for building sites and by allowing narrow driveways, instead of public streets, to serve more than one lot.

#### **Policy 2-54: Rural Improvement Standards in the Foothills**

Require rural improvement standards in the residential hillside zoning ordinance and the hillside subdivision regulations to preserve the rural character of the hillside.

SEE MUNICIPAL  
CODE, CHAPTER  
18-1.13

#### **Strategies**

1. **Mass Grading in New Construction.** Follow natural land contour and avoid mass grading in new construction, especially in flood hazard or hillside areas. Grading large, flat yard areas shall be avoided.
2. **Retaining Significant Trees.** Retain significant specimen trees, especially when they grow in groves or clusters, and integrate them into the developed site.

SEE POLICIES 5-13  
THROUGH 5-16

The Montebello foothills at the south and west boundaries of the valley floor are a scenic backdrop to the City, adding to its sense of scale and variety of color. It's impossible to guarantee an unobstructed view of the hills from any vantage point, but people should be able to see the foothills from public gathering places.

#### **Policy 2-55: Views for Public Facilities**

Design and lay out public facilities, particularly public open spaces, so they include views of the foothills or other nearby natural features, and plan hillside developments to minimize visual and other impacts on adjacent public open space.

#### **Strategy**

**Development Near Public Open Space.** Remove private driveways and building sites as far as possible from property boundaries located next to public open space preserves and parks to enhance the natural open space character and protect plants and animals.

When highly sensitive natural areas such as those subject to floods, brush fires, earthquakes and landslides become part of a city, human life must be protected.

#### **Policy 2-56: Hillside Development Proposal Analysis**

Subject proposals for hillside development to prior investigation by professional consultants so that environmental dangers can be noted and solutions suggested to lessen potential hazards.

#### **Policy 2-57: Land Disturbance During Development**

Be sure that natural land forms and significant plants and trees are disturbed as little as possible during development. All cut and fill shall be rounded to natural contours and planted with natural landscaping.

SEE POLICIES 5-15,  
5-16, POLICY 6-22

### *Strategy*

Amend the Municipal Code to include the two new requirements. Specify a maximum quantity of allowed cut and fill to help define an acceptable grading quantity.

Most of the hillsides in Cupertino's planning area are unincorporated and undeveloped, so County policies dictate their final land use. County policies provide for low density residential, agricultural, park, open space and wildlife uses, as well as mineral resource extraction. Clustering and dedication of open space are required for residential development. Most policies are compatible with Cupertino's, except for those relating to expansion of mineral resource areas, which conflict with the City's hillside protection and compatible land use policies.

County development, particularly if located near Cupertino's urban fringe area, should consider Cupertino's General Plan. Visual impacts, road access, traffic impacts and other service demands should be assessed in consultation with Cupertino's plans and personnel.

#### ■ *Policy 2-58: Santa Clara County General Plan*

Hillsides policies found in the Santa Clara County General Plan in effect in 1992 are included in the Cupertino General Plan by reference and are applicable to the unincorporated hillside area. These policies are incorporated because they are consistent with hillside protection goals. If changes are proposed in the County plan which are inconsistent with the City's hillside protection goals, then the City should protest those changes as well as not incorporate them into the City's General Plan.

#### ■ *Policy 2-59: County Development*

County development, particularly if located near Cupertino's urban fringe area, should consider Cupertino's General Plan.

### **Joint Hillside Planning**

Cupertino is interested in maintaining the County's current resource protection policies. Since the County Board of Supervisors can change these policies without Cupertino's or neighboring cities' approval, means are sought to provide greater control. One approach is to create a joint powers agreement among the County and the neighboring cities, through which common agreement could be reached on long-term hillside policies. Cupertino will need to take a leadership role in convening affected jurisdictions.

#### ■ *Policy 2-60: Joint Powers Agreement*

Explore a joint powers agreement involving the cities of Cupertino, Los Altos Hills, Palo Alto, Saratoga and Santa Clara County for the purpose of hillside protection in the unincorporated area.



## Flood Plain

Stevens Creek and its streamside are among the natural elements that have the most influence on Cupertino's character. The creek strongly defines the boundary between the urban and rural parts of the City, extends a note of unspoiled beauty into the heart of the developed valley floor and gives many residents and visitors a space for play, relaxation or study of the creek's plant and animal life. At times, however, floods can pose a risk to the City.

Land uses in the flood plain should allow the public access to the creek, but should prohibit materials that would restrict the free flow of creek waters or significantly disturb the streamside environment.

### **Policy 2-61: Existing Uses in the Flood Plain**

Allow commercial and recreational uses which are now exclusively within the flood plain to remain in their present use or to be used for agriculture.

SEE POLICY 6-20  
AND MUNICIPAL  
CODE CHAPTER 16.52

### **Policy 2-62: Non-Recreational Property to Residential**

Designate non-recreational properties to become residential with up to five units allowed under these conditions:

SEE POLICY 5-28,  
POLICY 5-40

- a. Forbid structures designed for forced human habitation, such as dwelling units, in the natural flood plain. The natural flood plain is defined by the General Plan based on data from the Santa Clara Valley Water District. Unfenced volleyball courts, picnic tables and similar recreational uses may be constructed within the natural flood plain.
- b. Base the maximum number of dwelling units allowed on each property or group of properties on the numerical designation range on the General Plan Map. Land in the flood plain can be credited in an amount not to exceed one dwelling unit per gross acre to determine the number of dwelling units on each property or group of properties consolidated into one development plan. If part of the parcel is outside the flood plain, the maximum density will be six dwelling units for each gross acre. This policy makes it impossible for a relatively small parcel to get a high density status as a result of one dwelling unit per acre density credit from a relatively large area within the flood plain. The total number of units allowed will be based on the ability of the applicant and designer to integrate the development into the natural environment of Stevens Creek and the adjacent residential neighborhoods.
- c. Require residential development plans to incorporate the Stevens Creek trail described in the public parks section of the General Plan.

### **Policy 2-63: Land In Natural Flood Plain**

Allow public and quasi-public land in the natural flood plain after review of a specific zoning or use permit application.

## Energy Awareness

Site and building design can save energy by using the benefits of the seasonal climate and controlling its disadvantages. This section discusses a few of the many different ways to make homes more comfortable and reduce energy needed for heat and cooling.

### SUN CONTROL

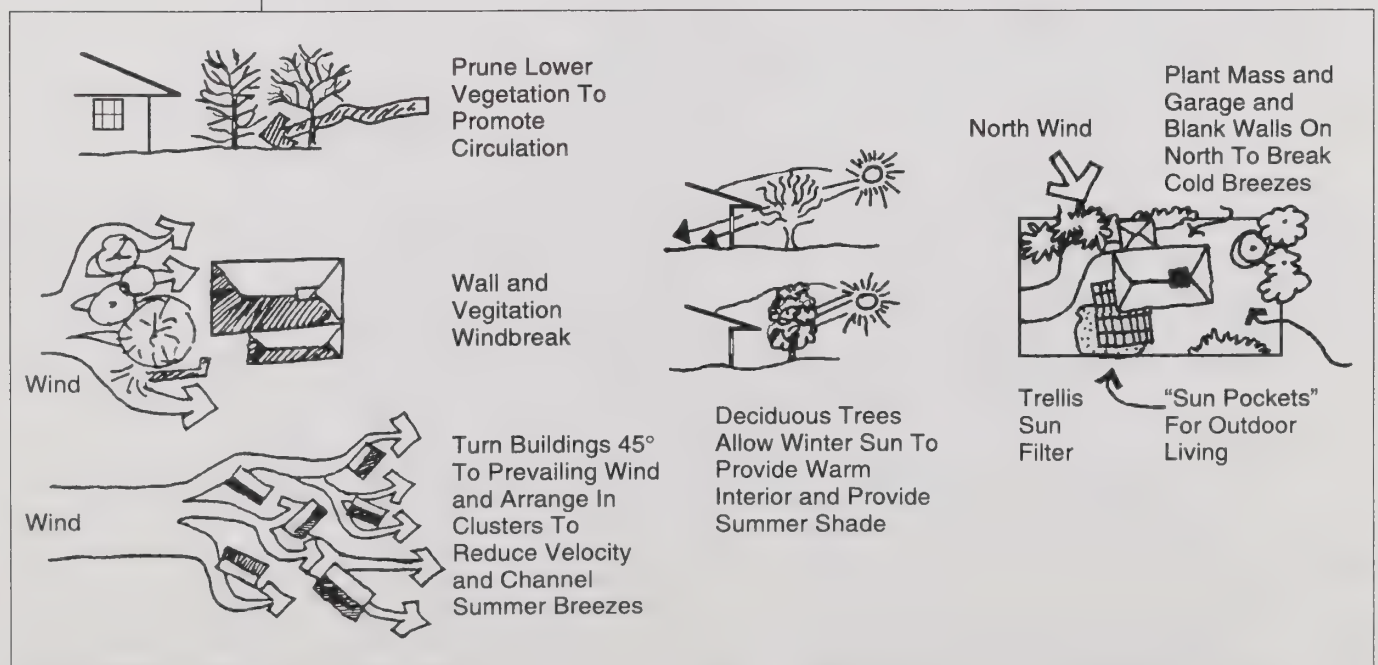
California requires cities to consider solar access when reviewing subdivision design. To increase the daily number of hours of sunlight, builders are encouraged to orient private outdoor spaces to the south, east or west sides of a site, preferably with two unobstructed views. Private outdoor spaces also need to be sheltered from the sun. Trellises, awnings, landscaping and the height and position of neighboring buildings should be studied to protect against excessive shadow on yards, assuring equitable access to sunlight's benefits.

#### Policy 2-64: Solar Access and Protection

Ensure that all homes have an acceptable balance of access to the sun and protection from it, as well as control of prevailing winds.

### WIND CONTROL

Cupertino's prevailing winds blow from the northwest across San Francisco Bay. Winds reach their peak in the afternoon; the City's low buildings and relatively flat ground do not slow them down. The breezes give relief from warm temperatures, but high winds discourage the use of outdoor areas. So, careful site design can break up wind patterns and reduce their speed to produce gentler, more refreshing breezes.





## Public Services and Facilities

An important part of Cupertino's quality of life is the high standard of public services and facilities enjoyed by residents and workers in Cupertino. This section discusses schools and the library. Other services and facilities: police, fire protection, utilities and waste disposal are discussed in the Public Health and Safety Element of this Plan.

### SCHOOL DISTRICTS

Cupertino is served by excellent public education institutions. Cupertino Union School District, Fremont Union High School District and Foothill-De Anza Community College District provide nationally acclaimed elementary, secondary and post-secondary education, respectively. This group of school districts is one of the primary attractions of Cupertino for home buyers, particularly families with school-age children.

While the City is not directly involved in the provision of education, it does control growth and development which can affect schools by increasing student enrollment beyond the means of schools to service them. It is thus crucial for the City to continue working with its school districts to maintain their current high quality.

#### **Policy 2-65: Planning for Schools**

Recognize the financial impact of increased development on the school districts' ability to provide staff and facilities. Work with the districts to assure that the continued high level of school services can be provided prior to granting approval for new development.

#### **Policy 2-66: Busing Access to the Hillsides**

If busing continues, encourage district staff to become more involved in hillside roadway design to meet the minimum standards required for busing access.

#### **Policy 2-67: Pedestrian Access**

Create pedestrian access between new subdivisions and school sites.

#### **Policy 2-68: Permit Data for Schools**

Continue to provide school districts with building permit data, which will enable the Districts to record the type of construction, location and their square footage to plan for future schooling needs.



Flint Center —  
De Anza College

■ **Policy 2-69: De Anza College**

Allow land uses not traditionally considered part of a college, such as lodging or conference facilities and institutional office and research facilities, to be built at De Anza College. Final determination of the intensity, character and ultimate desirability will be evaluated with regard to the effects on traffic and the consistency with the college's educational nature.

**LIBRARY SERVICES**

The Cupertino Library is another important public resource, with 37,312 Cupertino residents holding library cards. The library is operated by Santa Clara County Library System, but funded through library-dedicated property taxes and City general fund revenues.

In 1988, the building was remodeled to add an additional 11,546 sq. ft., for a total building area of 37,000 sq. ft. The library is experiencing a significant increase in circulation (119%) since the reopening of the building.

If the use of the library continues to rise, library staff will have to make choices to accommodate demand. Library staff has two options: either purchase more shelving and delete seating or remove items from the collection either by discarding them or placing them in long term storage. If the City of Cupertino requires a higher level of service (building, staff and materials) than available from normal funding sources, then cooperation between the County of Santa Clara and City of Cupertino will be needed to achieve this level.

■ **Policy: 2-70 : Library Service Level**

Recognize that if the community desires a higher level of library service, that this would require cooperation between the County of Santa Clara and City of Cupertino in expanding library services and facilities if deemed necessary.

■ **Policy 2-71: Library Planning**

Integrate and coordinate the library system into all applicable General Plan policies, such as transportation, pedestrian and bike trails.



**Policy 2-72: Improving Library Service**

Encourage the library to incorporate new technology to improve service levels at the library system.

Encourage the adjustment of library collections and programs to meet the needs of Cupertino residents, businesses and ethnic populations.

**Policy 2-73: Library Expansion**

Actively seek methods to increase library facilities.

**AESTHETIC, CULTURAL AND HISTORIC RESOURCES**

Cupertino is a relatively modern city, having incorporated in 1955. This date tends to obscure earlier events that were important in the development of the community.

Before European settlement, Native Americans resided in the area, along streams and creeks and in nearby clusters of oaks. The area was first explored by Spanish soldiers and later settled by numerous European immigrants who recognized the potential of the fertile land and converted it to a thriving agricultural economy.

Today, Cupertino is part of a world-renown high technology center, known as Silicon Valley, and is home to several companies producing leading edge computers and software.

Historic properties show Cupertino's past. These sites remind residents of the colorful people who built and occupied them, creating stronger ties between today's Cupertino residents and yesterday's.





Most of the historically significant properties are in private ownership, so there is no public pressure to remove them or change sites in a way that obscures historic character. Where feasible, private owners and City government can work together to find creative alternatives to the destruction of historic properties.

A successful example of this cooperation is the rehabilitation of the De La Vega stable in the Rancho Deep Cliff residential subdivision. The "Tack House" was refurbished extensively inside but its exterior remains much the same. It is the 61-home community's recreation center and meeting hall.

**F PRESERVE HISTORICALLY AND ARCHAEOLOGICALLY SIGNIFICANT STRUCTURES, SITES AND ARTIFACTS TO INSTILL A GREATER SENSE OF HISTORICAL AND CULTURAL AWARENESS AND COMMUNITY IDENTITY.**

**Policy 2-74: Landmark Rehabilitation**

Undertake an active partnership with private owners of landmark structures to rehabilitate the buildings for public or semi-private occupancy and retain their historic character.

*Strategies*

1. **Restoration of Historic Properties.** Encourage and aid private efforts to restore historic properties by allowing flexible interpretation of zoning ordinance and code standards not essential to public health and safety when they would make the restoration easier and more economical. These could include reduced on-site parking provisions or lesser setback distances.
2. **Historic Property Zoning Category.** Create a historic property zoning category to regulate the unique aspects of historic preservation and to make it easier for private owners to obtain the tax advantages that are offered for preserved property in such zones.

**Policy 2-75: Archaeologically Sensitive Areas**

For development sites in areas likely to be archaeologically sensitive, such as along stream courses and in oak groves, the City development review process should require a specific investigation to determine if significant archaeological resources may be affected by the project, and should also require appropriate mitigation measures in the project design.

**Policy 2-76: Native American Burials**

Recognize that Native American burials may be uncovered in unexpected locations and that State law prescribes the appropriate actions to take upon discovery of such burials during construction, including stoppage of work in surrounding area, notification of appropriate authorities and reburial of remains in an appropriate manner.



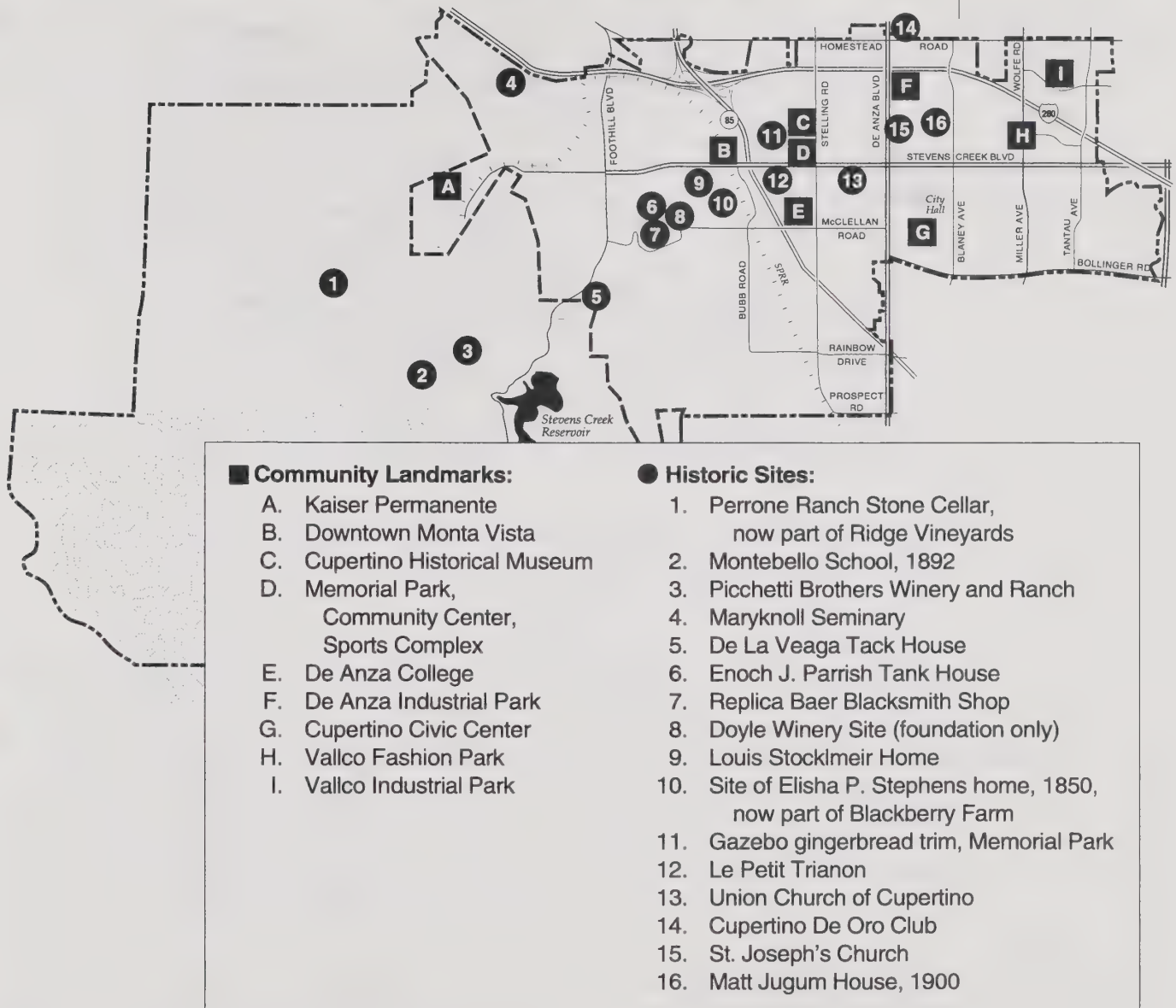


Figure 2-F. Cupertino's Heritage Resources.

#### Policy 2-77: Heritage Trees

Protect and maintain heritage trees in a healthy state. A heritage tree list shall be established and periodically revised to include trees of importance to the community.

SEE MUNICIPAL  
CODE CHAPTER 14.18

**G** CREATE A CIVIC ENVIRONMENT WHERE THE ARTS FREELY EXPRESS OUR INNOVATIVE SPIRIT, CELEBRATE OUR RICH CULTURAL DIVERSITY AND INSPIRE INDIVIDUAL AND COMMUNITY PARTICIPATION.



#### Policy 2-78: Public Arts

Stimulate opportunities for the arts through cooperative relations between local business and the City.

### *Strategies*

1. Consider conditioning development approvals with a requirement to install works of public art for public and private non-residential projects of 100,000 square feet or more.
2. Promote publicly visible artworks in public and private development and gateways to the City.
3. Follow Public Art guidelines to maintain an appropriate cultural milieu.
4. Encourage the development of artist workspace.

## The Land Use Map And General Policies

The Land Use Map of the General Plan illustrates the policies in this element and in other elements that play a major role in guiding urban development. The map cannot be used alone because it illustrates the text, which should be used along with it.

The General Plan Map illustrates the general form of Cupertino in terms of space allocation and intensity of land use activities. In contrast, the Municipal Zoning Map divides the City into very precisely drawn land use categories. Zoning districts have precisely written standards governing permitted activities and development forms. A series of policy statements accompany the planning text to guide the public and government officials in establishing precise zoning boundaries to pinpoint permitted activities.

California law requires that the zoning map and zoning regulations be consistent with the General Plan Map and text. The zoning map and regulations must be brought into conformity with the General Plan within a reasonable period after it is adopted.

### Land Use Categories

Patterns and symbols, defined on the map legend, are used on the General Plan Map to identify land use categories, the road system, major land features and significant public and private facilities.

Here is a description of each land use category:

#### **RESIDENTIAL**

Areas suitable for dwellings, divided into five sub-categories based on dwelling unit density and expressed as the number of dwellings permitted on each gross acre. The General Plan does not define whether the dwellings are to be owned or rented by their inhabitants or whether they are to be attached or detached.

**Very Low Density:** Intensity is based on applying one of three slope-density formulae—Foothill Modified, Foothill Modified 1/2 Acre, or Foothill 5-20 acre. This classification is intended to protect environmentally sensitive areas from extensive development and to protect human life from hazards related to flood, fire and unstable terrain.

SEE "SLOPE DENSITY"  
DOCUMENT



**Low Density:** 1-5 units on each gross acre. This category is intended to promote a suburban lifestyle of detached single-family homes. Planned residential communities can be incorporated into this category if the development form is compatible with adjoining residential development.

SEE MUNICIPAL  
CODE CHAPTER 19.28

**Medium Low Density:** 5-10 units per gross acre. This category accommodates more intensive forms of residential development while still being compatible with the predominant single-family detached residential neighborhood. This development can be successfully incorporated into a single-family environment.

SEE MUNICIPAL  
CODE CHAPTERS  
19.32 AND 19.44

**Medium High Density:** 10-20 units per gross acre. This category provides greater opportunity for multiple-family residential developments in a planned environment. This range usually results in traffic volumes and buildings that are not compatible with single-family residential neighborhoods. These developments should be located on the edges of single-family residential communities where utility services and street networks are adequate to serve increased densities.

SEE MUNICIPAL  
CODE CHAPTER 19.36

**High Density:** 20-35 units per gross acre. This promotes a wide range of housing choices in multiple-family dwellings. The intensity requires that the category be used only at locations with adequate utility services or transit or both. The development may result in structures with three or four levels and underground parking. This category offers maximum opportunity for housing choice, especially for people who want a city environment.

## COMMERCIAL/RESIDENTIAL

This designation allows primarily commercial uses and secondarily residential uses or a compatible combination of the two. Commercial use means retail sales, businesses, professional offices and service establishments with direct contact with customers. This applies to commercial activities ranging from neighborhood convenience stores to regionally oriented specialty stores. Retail stores that would be a nuisance for adjoining neighborhoods or harmful to the community identity would be regulated by the commercial zoning ordinance and use permit procedure.

SEE MUNICIPAL  
CODE CHAPTER 19.56

Residential densities are not specified because of the flexibility needed to develop residential uses in primarily non-residential areas. Smaller commercial parcels in existing residential areas may be redeveloped at densities compatible with the surroundings. Residential development is subject to the numerical caps and other policies described in the development priorities tables.

## OFFICE

This designation encompasses all office uses referenced in the City's Administrative and Professional Office Zone including administrative, professional and research and development activities.

SEE MUNICIPAL  
CODE CHAPTER 19.76

Prototype research and development is permitted if it is conducted along with the office functions of a business. Prototype R&D is defined as research and development activities that lead to the development of a new product or a new manufacturing and assembly process. Products developed, manufactured or assembled here are not intended to be mass produced for sale at this location.

**Guidelines for Prototype Research and Development:** The type, use and storage of hazardous material for prototype R&D or assembly is regulated by the Uniform Building Code, the Uniform Fire Code and any new ordinance or other regulation that controls hazardous materials.

The building must not present the appearance that a prototype R&D or assembly process is in place. There will be no exterior storage and receiving facilities will be small. Generally, no more than 25 percent of the total space occupied by the firm will be devoted to this activity.

#### **COMMERCIAL/OFFICE/RESIDENTIAL**

This designation applies to the mixed use areas which are predominantly commercial and office uses. Supporting residential uses may be allowed when they are compatible with the primarily non-residential character of the area. Residential densities are not specified because of the flexibility needed to develop residential uses in primarily non-residential areas. Residential development is subject to the numerical caps and other policies described in the development priorities tables.

#### **INDUSTRIAL/RESIDENTIAL**

This designation allows primarily industrial uses and secondarily residential uses or a compatible combination of the two. Industrial use refers to manufacturing, assembly and research and development. Administrative offices that support manufacturing and wholesaling are included.

Residential densities are not specified in the non-hillside areas because of the flexibility needed to redevelop existing industrial areas for residential living. Residential development is subject to the numerical caps and other policies described in the development priorities table.

#### **OFFICE/INDUSTRIAL/COMMERCIAL/RESIDENTIAL**

This designation applies to areas that are primarily office uses and industrial uses. Commercial uses should be ancillary and supportive of the office and industrial base with the exception of larger parcels which may be used for regionally oriented stores. Residential densities are not specified because of the flexibility needed to develop residential uses in primarily a non-residential area. Residential development is subject to the numerical caps and other policies described in the development priorities table.

#### **QUASI-PUBLIC/INSTITUTIONAL**

This designation is applied to privately owned land involving activities such as a private utility, a profit or non-profit facility giving continuous patient care, an educational facility or a religious facility.

#### **PRIVATE OPEN SPACE**

This designation is applied to privately owned lands used for low-intensity, open space activity such as hiking, walking or picnicking. Other, more intense, uses deemed compatible with this designation may be approved through the use permit procedure.

SEE MUNICIPAL  
CODE CHAPTER 19.64

SEE MUNICIPAL  
CODE CHAPTER 19.24



## PRIVATE RECREATION

This designation is applied to privately owned land used for outdoor recreation.

SEE MUNICIPAL  
CODE CHAPTER 19.72

## PARKS

This designation is applied to land owned by the public and used for recreation.

## PUBLIC FACILITIES

This designation is applied to land used or planned to be used by a governmental entity for a public purpose.

## General Policies

The loose format of the General Plan Map makes it necessary to enact general land use policies to guide City officials and others in formulating private and public land use decisions.

### **Policy 2-79: Boundaries Between Land Uses**

Base boundaries between land use classifications generally upon lot lines of established land use activities, public streets, and constructed or natural physical barriers or a combination of any of these. Show the precise boundary on the zoning map.

### **Policy 2-80: Residential Density Ranges on the Map**

Recognize that residential density ranges on the General Plan Map and its legend show the desired development intensity for a general area. Also recognize that the actual gross dwelling unit density may be slightly different if the properties reflect the general development character of neighboring properties.

SEE POLICY 2-13

### **Policy 2-81: Public and Quasi-Public Activities and Land**

Allow public and quasi-public activities to be located within any land use designation in the General Plan upon zoning review approval to ensure compatibility with the surrounding neighborhood and the street and utility system capacity. Allow residential land uses in areas designated for quasi-public uses with appropriate zoning changes.

### **Policy 2-82: Closed School Site Use**

Designate all public school sites for public use provided that schools that are closed may be used for quasi-public or institutional activities or both, or for housing. The dwelling unit intensity and development pattern shall reflect the character of the surrounding residential districts. The future of unused school sites shall also reflect the park acquisition program in the Environmental Resources Element.

SEE PLANNING  
COMM. RESO. 2616  
POLICY 5-52

REFER TO DRIVE-UP  
FACILITIES DESIGN  
POLICY

■ ***Policy 2-83: New Drive-Up Services***

Permit new drive-up service facilities for commercial, industrial or institutional use only when adequate circulation, parking, noise control, architecture features, and landscaping are compatible with the visual character of the surrounding uses and residential areas are adequately buffered. Further evaluate any proposed site for conformance with other goals and policies of the Plan.

■ ***Policy 2-84: Late-Evening Entertainment Activities***

Discourage late-evening entertainment activities such as cocktail lounges, recreational facilities and theaters in the relatively narrow depth of Stevens Creek Boulevard properties, but encourage them in Town Center, Vallco Park and other large properties that are isolated from residential districts and can provide internal security.



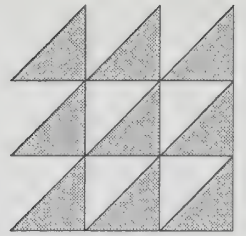






## Section 3

# Housing

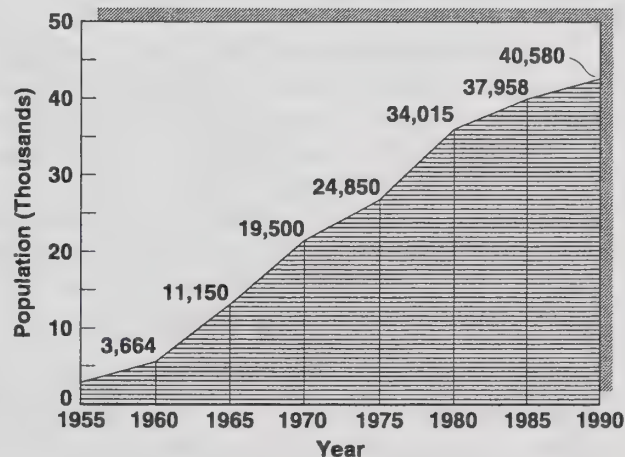


## Population And Housing Profile

### Community Profile

#### POPULATION

Cupertino, like other cities within Santa Clara County, has experienced a rapid increase in population since its incorporation in 1955, growing from less than 2,500 residents to its 1990 population of 40,263, (1990 census). In contrast to the corporate limits, the City's 1990 Urban Service Area population is 46,911 (ABAG, 1992). The accelerated growth that occurred from the 1950s to the present is a result of northern Santa Clara County's economic transition from an agricultural center to worldwide headquarters for many high technology industries.



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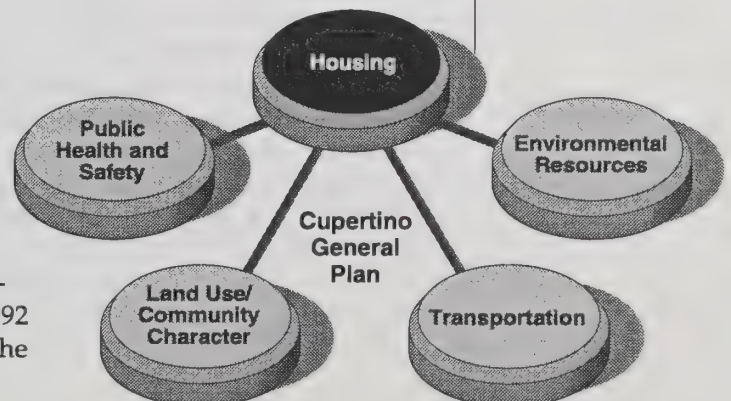
UNIVERSITY OF CALIFORNIA

*City of Cupertino's  
Population Growth  
History.*

Between 1970 and 1980, Cupertino's population almost doubled, partially as a result of a 1979 boundary transfer when 12,000 new residents were added to the community. Outside of annexations, the rate of population growth is expected to increase at a slower rate, due to the reduced number of children per household, the scarcity of developable land and a slower rate of housing construction. There will be an estimated 9% increase in population between 1990 and 2,000 (ABAG, 1992).

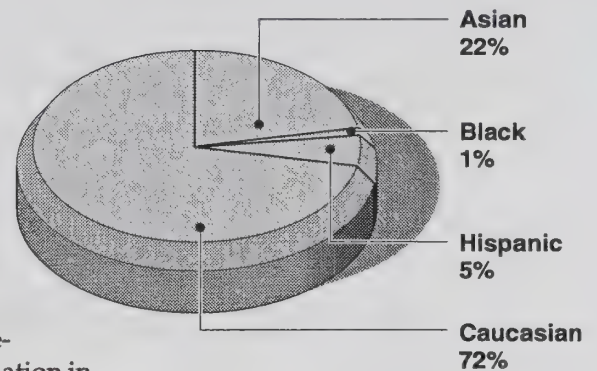
#### AGE DISTRIBUTION

The age distribution of the population in Cupertino has undergone a change. In 1980, the median age was 32 years; in 1990 it was 36 years. Until recently the percentage of school-age children was decreasing. For example, the enrollment of school-age children dropped 51% in the Cupertino Unified School District from 21,593 in March 1974 to 10,992 in June 1984. This trend began to reverse in 1984. The 1990 school enrollment was 11,900.



### ETHNIC DISTRIBUTION

Historically, Cupertino has a very small minority population. Between 1975 and 1980, the Caucasian population decreased slightly from 89% to 86%. There was a corresponding slight increase in the Asian-American population from 3% in 1975 to 6.9% in 1980. The other ethnic groups remained proportionally similar in size over the same period. Recently, the Asian-American population in Cupertino has increased. The 1990 census reports that 23% of Cupertino's population is Asian; 74.3% is white and 1% is black.



*Ethnic Distribution  
of Population.*

### EMPLOYMENT

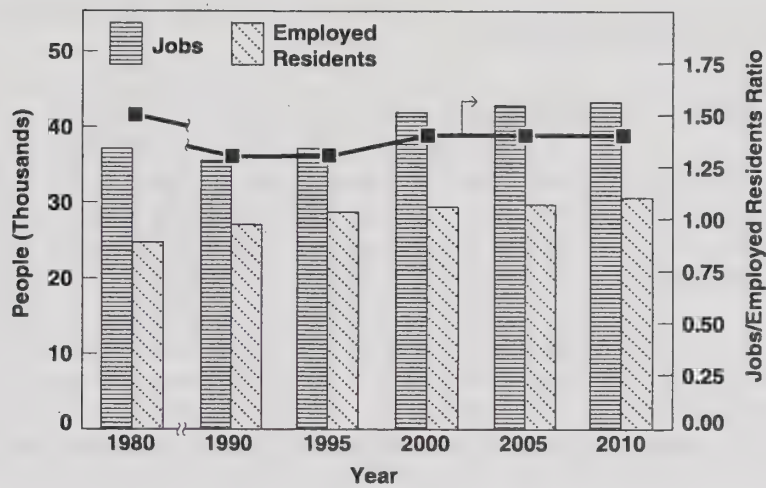
Cupertino's industrial base is high-tech electronics/computer corporations, similar to the entire northwest section of Santa Clara County. The City serves as a corporate headquarters and center for research and development. Due to high land and living costs, very little manufacturing takes place in the City. The three largest employers are Hewlett-Packard (4,200 employees); Apple Computer (4,200 employees); and Tandem Computers (3,300 employees). Employment levels at Apple and Tandem increased about 62 percent between 1986 and 1989, and both companies wish to increase employment growth in Cupertino during the 1990s. With the exception of the past few years, Hewlett - Packard has also experienced growth (Sedway & Associates, 1990).

A 1985 survey of Cupertino employees indicated the following: 29.6% were in managerial or professional positions; 7.5% were technicians; 11% were in sales; 18.3% were in clerical positions; 8.5% were in service fields; .5% were in farming; 11.3% were skilled laborers and 13.1% were unskilled laborers.

The labor force includes a significant percentage of women. In 1980, approximately 44% of the women over 16 years of age were employed full time (35+ hours per week) while 25% were employed part time. This is an important fact in that a larger proportion of working women affects household size, income and housing preference.

### JOBS AND HOUSING

In regard to the actual number of employees, Cupertino, like the other cities in northern Santa Clara County, provides a large employment base. Because Cupertino is an employment center, a large number of employees commute into the City. Cupertino's sphere of influence has approximately 35,650 jobs compared to 27,163 employed residents (ABAG, 1992). This disparity is expected to grow about five percent by the year 2000. The ratio of jobs to employed residents is currently 1.3, while the ratio in the County is 1.1.



*Jobs and Housing Ratio.*

The cumulative total historical and projected number of new jobs in Cupertino is as follows:

Year	Jobs
1980	37,239*
1990	35,650*
2000 (buildout)	51,799**

\* ABAG 1992

\*\* City of Cupertino 1993

On the surface, Cupertino's jobs/housing equation is out of balance as indicated by the jobs/employed residents ratios. Thus, the relationship between employment and housing plays a major role in the future housing plans for Cupertino as well as the entire county. When a community or region is unable to provide enough housing for its employees, these employees must come from outside the area. Long distance employment commutes contribute to additional traffic congestion, air pollution and social and economic problems associated with the fiscal imbalance between communities. The present jobs and housing imbalance in Cupertino is also a county and regional problem. Existing development patterns which have established industrial centers must be taken into account in analyzing which localities supply jobs and which supply housing. The fiscal inequalities between communities, particularly those who must spend a great deal of money to service residential areas, must be resolved. Those communities which do provide employment need to make efforts to increase their housing potential to address the housing needs of their employees.

One of the ways to increase housing potential is through the General Plan. For example, the City has the means to control its industrial expansion via the Land Use Element. Areas for additional housing are designated to help maintain a balance between jobs and housing. The City of Cupertino's Land Use Element identifies how land can be used and developed and what property owners can hope to achieve.



## Household Characteristics

### HOUSING UNITS AND HOUSEHOLDS

From 1970 to 1980, the number of housing units in Cupertino more than doubled from 5,598 to 12,554. 1990 housing units are estimated to be 16,055 (Census 1990). Other sections of the General Plan are based on 15,046 housing units, which was the operative number in 1990). The estimated 1990 number of housing units within the urban service area is 17,460.

The number of households in the City limits in 1990 was 15,361. From 1970 to 1980, average household size decreased from 3.10 to 2.75 persons per household, reflecting the trend of fewer births and more single person households (ABAG, 1989). However, between 1980 and 1990, average household size decreased at a slower rate to 2.60 persons per household in 1990 (Census 1990).

Below is a summary of the historical and current number of housing units and average household size in Cupertino (city limits).

Year	Housing Units	Household Size
1970	5,598	3.10
1980	12,554	2.75
1990	16,055	2.60

### TYPE

Currently, single family homes remain the predominant housing type. In 1990, 58.8% of all housing units were single family (detached); 13% were single family (attached); 8.1% were multifamily or other (Census, 1990). Projections of future housing demand by type of unit, based on household income and construction costs, indicate that if housing affordable to the entire spectrum of economic groups is to be made available, the supply of multifamily units must increase.

The City has no restrictions on mobile homes or other types of factory built housing. There are currently several manufactured homes that have been constructed in Cupertino.

The population living in group quarters (e.g. mental hospitals, nursing homes, shelters, correctional institutions, etc.) is minimal. In 1990, group quarters population was estimated to be 313, which represents a 43% decrease from the 1985 group quarters population. (Dept. of Finance). This decrease is due to retirement centers no longer being counted as group quarters.



## **OWNER-RENTER DISTRIBUTION**

The 1980 census indicated 62% of the City's occupied units were owner occupied and 38% were renter occupied. The 1990 census reports 9,671 owner occupied units and 5,682 renter households, which are approximately the same percentages as 1980.

## **VACANCY RATE**

The vacancy rates for single and multifamily housing units decreased dramatically between 1975 and 1985 and have recently stabilized. In 1975, the vacancy rate was 7.01% and by March 1985 it had decreased to 1.7% (Housing Vacancy Survey published by the Federal Home Loan Bank of San Francisco). The overall vacancy rate in the City is currently 1.14% (State Dept. of Finance, January, 1990). A January 1990 survey of apartment managers of all complexes containing over 20 units in Cupertino indicated a 2.09% vacancy rate for apartments (Planning Department, January, 1990).

In order to preserve its rental housing stock, Cupertino adopted a Condominium Conversion Ordinance in 1978 that prohibits conversions unless the vacancy rate exceeds 5%. Since the ordinance was adopted, there have been no conversions.

## **OVERCROWDING CONDITIONS**

In 1980, approximately 188 households, or 1.5% of the total households, were overcrowded. In 1970, 3.6% of the total households were overcrowded. Applying the 1980 percentage to the total number of current households results in an estimated 223 households in overcrowded conditions (approximately 138 owner occupied units and 85 renter households).

Overcrowding is defined as more than 1.01 persons per room. The decreasing household sizes from 1970 to 1980 lessened concerns regarding overcrowding. However, the widening gap between demand and supply of housing could contribute to further overcrowding.

## **ELDERLY AND HANDICAPPED**

As discussed under "Age Distribution," the median age in the City has been increasing. In 1980, approximately 5.5% of the City's population was elderly (65 years or older) and about 4.5% of non-institutional population from ages 16 to 64 had some type of a work disability (handicap). In 1990, 8.5% of the population was 65 years or older and 6.9% of those between the ages 16 and 64 had some type of work disability (handicap). Approximately 1,384 elderly persons own their homes and 848 are renters.

Persons in these categories frequently have an income below the median and can have difficulty entering the housing market either to rent or to own. In 1980, 8.9% of those persons with incomes below the poverty level in Cupertino were 55 years of age or older. In 1990, the number rose to 15%. A study of seniors in Santa Clara County in 1989 indicated that the majority of senior couples in the county have incomes below \$2,024 monthly (Council on Aging of Santa Clara County, Inc., 1989). The fact that the elderly are on fixed incomes limits housing choice when prices rise. In addition, conventional home design techniques may not fit the physical needs and limitations of these groups.

## **FEMALE HEADS OF HOUSEHOLD**

According to the 1980 U.S. Census, there were 1,091 female heads of families within the City. In 1990, there were 1,165 female heads of household. A 1985 survey by QED Research indicated that female heads of households who are working in Cupertino and who have children, had the lowest average salaries among Cupertino workers. For example, a female householder with children had an average annual salary of \$29,719 while the overall average yearly household income of Cupertino workers was \$60,000 (primarily due to the fact that there is often more than one wage earner). The trend toward a greater percentage of female heads of households needs to be addressed by the community in terms of housing programs and land use policies.

In addition to affordability needs, there are also accessibility needs. The lower income status of this group indicates that rental housing may be the only affordable housing. However, many apartment owners will not rent to families with children, even though a 1982 California Supreme Court decision and the Fair Housing Act Amendments of 1988 made this type of discrimination illegal (Lawrence, 1990).

## **LARGE FAMILIES**

Approximately 1,304 or 10.6% of the 12,284 housing units within Cupertino in 1980 were occupied by households of five or more persons. In 1990, this number was 1,179 or 7.3%. Approximately 766 live in owner occupied units and the remaining 413 live in rental units. Given the fact that average household sizes are decreasing, the traditional housing concerns related to large families are becoming less important from a public policy point of view. The typical indicator of problems associated with large families is overcrowding. This does not appear to be a problem for Cupertino in view of the small percentage of overcrowded households (1.5%) reported in 1980.

## **FARMWORKERS**

State law requires analysis of the special needs of farm workers. Cupertino's lands in agricultural use are negligible. There are very few farm workers in Cupertino who require special housing assistance.

## **FAMILIES AND PERSONS IN NEED OF EMERGENCY SHELTER**

State legislation (AB 2579) enacted September 30, 1984 requires, among other provisions, local governments to assess in the housing element the need for temporary or emergency shelter in their communities (Government Code Section 65583 (a)(6)). Effective January 1, 1988, housing elements are required to identify "adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate the development of emergency shelters and transitional housing" (Government Code Section 65583 (c)(1)).

There are two basic ways of counting the homeless:

- daily count revealing how many people are homeless on a given day
- annual count revealing how many people were without a home at least one day in a year.



According to a report by the County, there were an estimated 855 homeless persons assisted by various agencies in the County on one particular day in 1989 (Santa Clara County Homeless Task Force and Homeless Overview Technical Committee, November, 1989). Using a ratio of total population applied to homeless population, Cupertino's homeless population on a daily basis is estimated to be 24 persons.

Homebase, a regional support center for homeless policies and programs, reported approximately 13,000 homeless persons in Santa Clara County in 1989. Assuming Santa Clara County's population of homeless persons is evenly distributed means an estimated 361 homeless persons in Cupertino on an annual basis (Homebase, June, 1990).

The Emergency Housing Consortium (which has five emergency shelters in Santa Clara County) served 10 Cupertino residents during a one year period (July 1, 1988 through June 30, 1989). There were a total of 140 shelter nights spent at Emergency Housing Consortium shelters by the 10 Cupertino residents.

The estimated number of homeless persons in Cupertino (based upon an assumption that the county-wide population of homeless is evenly distributed) may be high because homeless persons are more concentrated in urban areas such as San Jose, where housing is less expensive and there are more low skilled jobs. A more accurate count is not possible because homeless persons tend to move from one area to another (Brennan, 1990).

There are currently no permanent emergency or transitional shelters in Cupertino. However, Cupertino Community Services, a non-profit organization, provides emergency services to persons in need by serving as a referral service to agencies which furnish emergency temporary housing shelter and meals in Santa Clara County. This includes participation by Cupertino churches in an emergency shelter that rotates monthly among local churches. Rotating shelters are permitted uses in Cupertino's quasi-public zoning district. In 1990, Cupertino Community Services provided some form of assistance to about 400 to 500 persons a month and referred another 400 persons a month to agencies that supply food and/or shelter (Brennan, 1990). The assistance provided by Cupertino Community Services varies from helping to pay utility bills and purchase food to providing rental assistance and hotel room vouchers. Last year, Cupertino Community Services provided rental assistance and hotel room vouchers to approximately 20 persons per month.

The City of Cupertino has been providing financial assistance to Cupertino Community Services through the City's Human Services & CDBG programs. The City provides \$28,700 annually: \$8,700 is unrestricted, \$10,000 is to screen low-income housing eligibility and \$10,000 is for the rotating homeless shelter.

#### **SUBSIDIZED UNITS AT RISK TO CONVERT TO MARKET RATE HOUSING**

Government Code section 65583 (a)(8) enacted in 1989 (SB 1282) requires that the Housing Element include an analysis of existing multifamily rental developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment or expiration of use restrictions. The Housing Element must identify all federal, state and local subsidized housing in the City, note when the subsidies expire and determine the cost of replacing that housing.

In the 1960s, the federal government provided low-interest loans and rent subsidies through various programs administered by the Federal Housing Administration (FHA). In return, private developers/owners agreed to build or operate rental projects which were

protected by 40-year low income use restrictions. In order to stimulate private participation, the owners were given the option to terminate their contracts prior to the loan maturity dates. As owners exercise their options, the units may be sold or converted to market-rate units. In many cases the tenants are displaced and the inventory available to lower-income renters declines.

In addition to federally subsidized units, Government Code Section 65583 (a)(8) requires the City to identify and gather information on any projects developed with assistance from any of the following programs, and which are subject to low-income use restrictions which could be terminated within the next ten years:

- FmHA Section 515 Rural Rental Housing Loans;
- HUD Community Development Block Grant Program;
- State (CHFA) and local multifamily revenue bond programs;
- redevelopment programs;
- local in-lieu fees;

and units that were developed pursuant to:

- a local inclusionary housing program; and
- Government Code Section 65916, a density bonus project which has direct financial assistance and affordability controls.

There are no subsidized multifamily rental projects in Cupertino which are at risk to convert to market rate housing during the next ten years (California Coalition of Rural Housing Project, March, 1989). The only units which were developed with assistance from any of the above-referenced programs are 20 affordable rental units located in four projects which were financed from a variety of sources, including the City's Community Development Block Grant (CDBG) Program, Below-Market Rate In-Lieu Fees, Seniors and Handicapped Fund and private funding. The subsidized units are not at risk to be converted to market rate housing because the subsidies are not expected to be terminated and the homes are owned and operated by non-profit organizations.

#### **INCOME DISTRIBUTION**

Santa Clara County, compared to other counties within California and nationwide, is considered to be an extremely affluent county. Based on the 1980 Census, median household income for the county was \$23,370. In 1992, the median income in Santa Clara County was \$59,500 (State Department of Housing & Community Development 1992).

Among the 15 cities within the county, Cupertino had one of the highest median incomes reported. According to the 1980 Census, median household income was \$30,312, while median family income was \$33,249. In 1990, the median household income was \$64,587, while the median family income was \$70,671.

Below are the household income distributions in Cupertino in 1980, 1988 and 1990 (ABAG, 1989). Income categories are expressed as a percentage range of the regional median income.

	1980	1988 (averaged)	1990 (Census)
Very Low Income (below 50%)	9%	16%	13.5%
Low Income (50% to 80%)	10%	14%	8%
Moderate Income (80% to 120%)	17%	20%	37.20%
Above Moderate Income (120% and above)	64%	50%	41.5%

## Housing Needs

### LEVEL OF PAYMENT COMPARED TO ABILITY TO PAY

Overpayment of housing is most often determined by comparing a monthly house payment to gross monthly income. By State and Federal standards, if payment exceeds 30% of gross monthly income, the household is said to be overpaying.

The current definition of each income category and the resulting "affordability," (i.e., housing is considered affordable when a household pays less than 30 percent of its gross monthly income toward housing costs) monthly housing payment is shown below.

Relation to Median**	Maximum Income	Affordable Rent*
Household at or below 50% (very low)	\$28,850	\$721
Household between 50% and 66% (low) ***	\$38,650	\$965
Household between 67% and 120% (moderate)	\$71,400	\$1,785

\* Including a utility allowance

\*\* Based on HUD Median Income for a family of four (\$59,500), 2/92 .

\*\*\* The common standard of 80% is adjusted down to 65% by HUD to offset the relatively high median income for Santa Clara County.

The 16% of Cupertino households that earn less than 50% of median income (based on 1988 income) are limited in their choice of housing. In January 1992, the Cupertino Planning Department conducted a survey of large apartment complexes in the City and found average rents for one-bedroom apartments at \$713 a month and two bedroom apartments at \$896 a month. Rents for one-bedroom apartments range from \$ 525/month to \$ 1,050. Rents for two bedroom apartments range from \$585 a month to \$1,600 a month .

The average price of single family homes in Cupertino is \$374,375 and the average price of condominiums and townhouses is \$222,541 (San Jose Real Estate Board, year end 1991).



Below are the numbers and proportions of low income households overpaying for housing in Cupertino ( Census, 1990).

	Total Number	Percentage of Cupertino's Households
Low income households (HH) owning	914	5.9%
Low income HH renting	1,251	8.1%
Low income HH overpaying (owners)	436	2.8%
Low income HH overpaying (renters)	1,142	7.4%

There is a significantly greater proportion of lower income renter households overpaying for housing than lower income owners. The estimated proportion of low income owners overpaying is 48% and the proportion of low income renters overpaying is 91% (Census, 1990).

#### REHABILITATION/REPLACEMENT

The majority of Cupertino's housing is in good condition. Information regarding current rehabilitation needs for Cupertino was derived from the City's 1983-1986 Housing Assistance Plan and is summarized as follows:

- Rehabilitation needs are concentrated in the lower income areas, which are predominantly unincorporated. These households do not have enough disposable income to maintain their dwelling units.
- Approximately 383 units need rehabilitation; 232 (39%) are owner occupied and 151 (61%) are rental units.
- There are no units requiring replacement.

#### ACCESSIBILITY

Closely related to the issue of adequate housing is the issue of the accessibility to housing, so that each household regardless of ethnic, economic, age, or marital status is provided with a reasonable choice of locations within the community. Problems that relate to accessibility focus on two main areas: discrimination and landlord-tenant conflicts.

**Discrimination** Cupertino refers complaints on discrimination to the Midpeninsula Citizens for Fair Housing, a local non-profit agency, funded through the CDBG program by Santa Clara County to investigate claims of discrimination. The Midpeninsula Citizens for Fair Housing staff reported that the organization received 11 complaints and worked on 2 cases involving Cupertino residents during a one year period (July 1, 1991 through June 30, 1992). The majority of complaints for Cupertino continue to involve discrimination against families with children. In cases where sufficient evidence of discrimination is obtained, clients are referred for legal service.

**Landlord-Tenant Issues** Landlord-tenant conflicts center around several areas. The major portion of these problems involve the following:

- Complaints from landlords regarding non-payment of rent and property destruction.
- Claims by tenants regarding unreasonable rent increases.
- Inability of tenants to reclaim cleaning and/or security deposit.
- Claims by tenants of landlords' failure to maintain and repair the buildings and facilities.
- Other issues involve noise, pest and rodent control, etc.

The degree and extent of the problem, if any, is difficult to document. Based on recommendations from the City's Rental Housing Subcommittee, a voluntary mediation process for Cupertino residents and landlords was established. The City provides \$19,950 annually from the City General Fund to Project Sentinel for the administration of this program.

## ENERGY AND HOUSING

Energy conservation can benefit Cupertino on an economic level as well as preserve non-renewable resources for future consumption. Investments in energy conservation reduce utility costs and enable increased efficiency.

Cupertino requires that all multifamily units be plumbed at the time of construction for solar energy and all multifamily and single family residential clothes dryer outlets accommodate both gas and electricity.

## NEW CONSTRUCTION NEED BASED ON ABAG REGIONAL HOUSING ALLOCATION

The State of California Department of Housing and Community Development has authorized ABAG to determine housing needs for each city and county in the San Francisco Bay region (Government Code Section 65584). Government Code Sections 65580-65590 require cities to show ample opportunity for housing development which meets regional housing needs as defined by ABAG. In addition, obstacles to meeting such needs must be removed. State law does not require cities to actually produce or operate the housing, nor participate in subsidy programs. Opportunity means that a jurisdiction shall identify sites for housing and make adequate provision for the existing and projected needs of all economic segments of the community.

ABAG allocates the regional share of housing need to each jurisdiction by considering six local factors: market demand for housing, employment opportunities, availability of suitable sites and public facilities, commuting patterns, type and tenure of housing and housing needs of farmworkers.

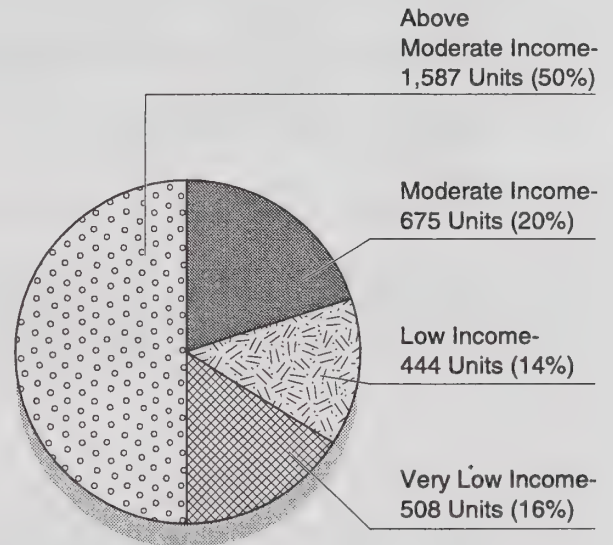
The total regional share of housing need is distributed into four income categories: very low, low, moderate and above moderate. ABAG moves each jurisdiction toward the regional distribution by averaging the existing city percentages with the existing county and regional percentages to determine the percentage to be applied to the projected housing need. For

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NESS SECTION, PAGE  
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example, the City of Cupertino (with 9% very low) is averaged with Santa Clara County (17% very low) and the region (23% very low) to derive a projected 16% very low ( $(9+17+23=49; 49/3=16)$ ).

Given these factors, ABAG projected the 1988-1995 housing need for Cupertino to be 3,174 units, as summarized below.

Of the 3,174 units projected by 1995, 1,343 units are to be obtained through ABAG's recommendation that Cupertino consider "Alternative Zoning," (i.e., revisions in the City's Zoning Ordinance or other City actions which would allow additional housing). Alternative Zoning Projected Need figures in ABAG's Housing Needs Determination Report were established only for the 39 Bay Area cities where the expected job growth will exceed the projected housing development by more than 500. Cupertino was one of these 39 cities. Alternative Zoning figures do not mean that a City's existing Zoning Ordinance must or should be modified to accommodate projected housing need, but rather a City could take other actions such as identifying specific "in fill" sites, and encouraging second units.



Total New Housing Units Needed 1988-1995: 3174  
 1988-1995 Projected Housing Need By Income Group To Meet Regional Need.

(Source: ABAG 1989)



The number of units needed for 1990-1995, is based upon the following:

	<b>ABAG (1988-1995) *</b>	<b>Units Produced (1988-1989)</b>	<b>Adjusted Needs (1990-1995)</b>
Very Low	508	10**	498
Low	444	0	444
Moderate	635	12***	623
Above Moderate	1,587	639****	948
Total	3,174	661	2,513

\* ABAG, Housing Needs Determinations, January 1989.

\*\* Consists of 10 units in a congregate care residence (Chateau Cupertino).

\*\*\* Includes 10 Mortgage Credit Certificates (MCC's) and two second (accessory) units.

\*\*\*\* Includes the following units:

<b>Year</b>	<b>New Construction</b>	<b>Annexation</b>	<b>Units Demolished</b>	<b>Net Gain</b>
1988	453	7	19	441
1989	197	14	13	198
Total				639

## Adequate Sites Inventory

One of the functions of the Housing Element is to analyze the capacity of suitable and developable sites to meet identified housing needs. Cupertino is a community which is mostly built out. The hills to the west provide environmental constraints to high density development and annexation potential is generally limited to the Urban Service Area since the adjacent communities are also urbanized with little developable land available. Therefore, most new housing developments will be urban infill.



During the five year planning period (1990 - 1995), it is projected that 513 total additional housing units, approximately 103 units/year, will be constructed within the incorporated portions of the City. This will bring the total number of housing units in the City to 15,559, an increase of approximately 3%. The projected units include 240 homes on vacant land and 273 homes on underdeveloped land, as shown below.

### Projected Housing Units (1990 - 1995)

	Vacant Land	Underdeveloped Land	Total	
Single Family Detached	210	169	379	(74%)
Single Family Attached	30	96	126	(24%)
Multi-Family	0	8	8	(2%)
Total Units	240	273	513	

The projected number of units (513 units) during the five year planning period is approximately 20% of the projected new units (2,584 units) at buildout in the year 2000. This is based upon the assumption that the larger projects (i.e., the Diocese site, and the Quarry site and the non-residential areas) will not be developed during the five year planning period. There are currently no development plans for these projects and the planning process, prior to construction, will be lengthy. Therefore, the projected units during the five year planning period are expected to be mostly on the smaller sites.

Appendix A, Sites for Housing Development Map, shows the location of the land available for residential use within the City limits based upon the existing land use plan. Appendix B, Description of Sites for Housing Development, shows the size (acreage), potential number of additional units, zoning and type of units for each site. Appendix C shows the maximum number of housing units allowed in the current non-residential Planning Districts.

Nearly all of the housing sites depicted in Appendix A and Appendix B are within the city limits and have adequate services available to accommodate their potential development. Each housing site is relatively close to major transportation corridors served by the Santa Clara County Transportation Agency. Each site is relatively close to shopping and other community support activities.

None of the sites is affected by a particularly adverse noise environment which could not be mitigated through normal construction and site planning techniques. Additionally, the City of Cupertino's Planned Development Ordinance and Single-Family Cluster Residential Ordinance contain mechanisms to ensure that high intensity development can be designed to provide a healthy living environment for potential residents.

## VACANT SITES

There are 31 vacant housing sites, which could yield a total of 548 (maximum) units, including 124 single family detached homes and 424 single family attached homes. With the exception of six sites, the vacant land consists of small infill sites (i.e., with the potential for less than 10 units). The bulk of the units would be located on Stevens Creek Blvd. near De Anza Blvd (Site #12, single family attached homes), the Diocese property (Site #75, single family detached homes), and the Mariani property at De Anza Blvd. and Homestead Road (#91, single family attached homes).

## UNDERDEVELOPED SITES

There are a total of 59 developed sites which have the potential for a total of 1,235 (maximum) additional units, including 468 single family detached homes, 276 single family attached homes and 478 multifamily/group units.

With the exception of seven sites, the underdeveloped land consists of small infill sites (i.e., with the potential for less than 10 units). The bulk of the units would be on three sites: Homestead North (Site #71, single family attached homes) Seven Springs (Site #74, single family detached homes), and Kaiser Industrial Plant (Site #92, single family detached).

## LAND INVENTORY SUMMARY

Below is a summary of the existing (1990) and projected (1995) total number of housing units within the City, by type.

	Existing (1990) Units *	Projected (1990-1995) Units	Total (1995) Units
Single Family Attached **	1,986	126	2,112
Single Family Detached **	9,022	379	9,401
Multifamily **	4,032	8	4,040
Mobile Homes	6	0	6
Total	15,046	513	15,559

\* January 1, 1990 estimates by the State Department of Finance Demographic Research Unit.

\*\* The density range for single family includes both detached (0-5 du/ac) and attached (5-35 du/ac) units. The density range for multi-family units is 5-35 du/ac. Most of the multifamily units in Cupertino will be at the upper end of this range.



## Constraints To The Development Of Housing

### Governmental Constraints

#### LAND USE CONTROLS

Cupertino's land use regulations allow for a significant increase in housing potential above the existing housing stock. While hillside development is low density due to inherent environmental constraints, the neighborhoods, to some extent, and the urban core, to a greater extent, create the potential for approximately 2,500 new units. The potential is created through a variety of strategies, the primary one being density control. The hillside densities consist of three slope density designations: foothill modified, foothill 1/2 acre modified and 5-20 acre. Densities decrease as slope and other environmental constraints increase. The suburban and urban densities consist of Low (1-5), Medium/Low (5-10), Medium/High (10-20), High (20-35 and 35-50), and Mixed Use. High Density development is allowed in the urban core, along major transportation corridors.

A major new land use strategy is to designate traditionally non-residential areas as appropriate for residential and mixed-use development. The rationale for this strategy is that additional housing opportunities are needed to help balance job growth, and that the locations should be near job centers and transportation corridors. Higher density development is appropriate in these areas because it can be buffered from lower density residential, and it provides the opportunity for affordable housing and potential ridership for future transit. The Stevens Creek Boulevard corridor, the Valco area, and the North De Anza area, allow office/industrial and residential uses. The Bandle Drive and Bubb Road areas also allow these uses; in addition, they will be studied to determine the feasibility of requiring mandatory residential use. Additional residential density increases would be available under the provision of Government Code Section 65915, if the City granted density bonuses and other incentives to the developers of low and moderate income housing.

Further land use restrictions are height, setback and design controls. Hillside regulations restrict development on ridgelines, steep slopes, riparian corridors, and geological hazardous areas. All hillside and neighborhood residential development controls height, setback, lot coverage and the floor area ratio. Urban core residential development protects residential neighborhoods with buffering, setbacks, landscaping, walls, activity limitations and site design requirements.

#### CODES AND ENFORCEMENT

Code enforcement refers to both zoning and building violations, which sometimes overlap as in the case of illegal room additions. The Zoning Ordinance is concerned primarily with illegal structures or uses while the Building Code is concerned with construction violations.

Zoning code enforcement is accomplished on a complaint-response basis. This procedure involves investigation of zoning violations by City staff based upon complaints from neighbors or tenants. When a violation is reported, an on-site investigation is made. If a violation is occurring, a letter is sent to the building owner. Depending on the response, the matter may be referred to the City Attorney.

Cupertino's Building Code is not a serious constraint to residential development. New construction is required to meet Uniform Building Code regulations. However, there is no ongoing systematic enforcement of the Building Codes upon existing dwelling units unless there have been complaints received by the City or the resident is seeking a permit for additional construction. Certain types of room additions would require the applicant to bring the building (or part of it) up to existing codes. Building Code violations should be brought to the attention of new owners through real estate disclosure laws.

## **INFRASTRUCTURE**

The existing public facilities and utilities can accommodate future residential development. However, substantial increases in commercial and industrial densities would affect the circulation system. Whenever commercial and/or industrial development impacts circulation and causes further imbalance in the jobs and housing ratio, mitigation measures will be required as part of the permit approval process.

The City's typical improvement requirements include half-street, curb, gutter and sidewalk. A residential street has a 60-foot right-of-way and measures 40 feet from curb to curb. Water service is available throughout the City. Central sewage is also available, except in the hillsides where alternative methods of sewage disposal are necessary.

## **PERMIT APPROVAL PROCESS**

Development review also affects housing costs. Because of interest rates and inflation, the longer it takes for a development proposal to be approved, the higher the development costs. Prior to beginning residential development in Cupertino, an application must be submitted to the Planning Department. Plans for the construction of an individual single family home may be approved by the Planning Department staff. Other projects may require approval by the Planning Commission and the City Council before applying for a building permit.

The average processing time for projects not approved by staff, is approximately two months from the date of initial application. Large projects generally take longer, particularly if extensive environmental review is required. Cupertino's development review process is similar to many other Peninsula cities.

A survey by the Building Industry Association of Northern California (1991) compared planning a prototype, building, impact and utility fees of numerous cities in the greater Bay Area. The average total fees for projects in 1991 were \$13,763. Cupertino's total was \$20,114. The reason for the higher total is the \$15,750 park fee. In comparing Cupertino's fees to other jurisdictions, the non-park fees are the same or lower than others. The park fee is not a deterrent to providing affordable housing, however. The City Council may waive fees for affordable housing, and fees will automatically be waived in the case of affordable housing provided as mitigation.

The procedure for excusing fees is through the development approval process, whereby the City Council may include fee waiver as a condition of development if affordable units are proposed for the project. In addition, there is priority processing of proposals that include affordable units. Development regulations can also be modified to encourage low and moderate income housing units.



**ARTICLE 34**

Article 34 of the California Constitution requires a positive vote of the electorate in order to allow the construction of low-cost, publicly owned, developed or financed housing. A referendum was submitted to the voters on the Le Beaulieu project for physically handicapped and was approved in November 1982. The need for an Article 34 referendum will be determined on a case by case basis, although a ballot measure need not be site specific and could be a general measure if desired.

**Non-Governmental Constraints****COST OF LAND**

Market constraints significantly affect the cost of housing and are important factors when discussing affordable housing. The cost of land in Cupertino, more than any other factor, constrains the development of affordable housing. A subdivided 10,000 square foot lot in Cupertino is currently valued at approximately \$300,000 (Sisk, 1990).

Because the City is relatively built out, there is not an abundant supply of undeveloped land, a factor which further raises prices. Land prices in Cupertino depend on a number of factors, including: the allowable density and type of residential development suitable for the property, the proximity to the freeway and commercial developments and the quality of nearby existing development.

**COST OF CONSTRUCTION**

Construction costs in Cupertino are comparable to the San Francisco region as a whole. An ongoing survey of construction costs in the San Francisco Bay Area conducted by the Bank of America reveals that materials and labor costs are continually increasing. In July 1983, the per square foot construction cost of a typical, three-bedroom/two-bath, standard quality, single-family home was \$46.73. By July 1987, the per square foot construction cost of an identical home had risen to \$53.67, almost 15% more in four years (Bank of America, 1987).

**AVAILABILITY OF FINANCING**

The cost of borrowing money to finance the construction of housing or to purchase a home has a large impact on the amount of affordably priced housing produced and subsequently purchased in a community. Fluctuating interest rates can eliminate many potential homebuyers from the housing market or render infeasible a housing project which, at lower interest rates, could have been successfully marketed. Rental housing costs are also affected by higher interest rates, since the owner will pass added costs directly to the tenant in the form of higher contract rents.

Financing is generally available to those who can afford the housing payments and have a down payment. Interest rates are not significantly different than other areas in Northern California. Current prevailing interest rates for a conventional single-family mortgage were about 10% to 11% in 1990. (assume 30-year fixed rate loan, 80% loan to value ratio). These rates represent a noticeable decline from the mid-1984 rates of 13% to 14% for comparable loans. There are no mortgage deficient areas in the City.



## Goals, Objectives, Policies And Programs

New policies and programs are proposed to encourage or require improved housing opportunities. State law requires that Cupertino address both identified regional housing needs and the relationship between job creation and housing needs. Housing information shows that a number of factors contribute to a housing shortage in Cupertino. As an employment center, Cupertino provides more jobs than employed residents, resulting in a competition for housing. Housing prices are high and vacancy rates are low, making it particularly difficult for low and moderate income people to find housing. In the past, the housing provided has been largely market rate and even though regulations provide for construction of affordable housing, it has not been built. If additional measures are not taken to provide housing, traffic congestion and air quality will deteriorate due to increasing in-commuting of workers. Employment centers will have difficulty hiring employees, and some Cupertino residents who may need to change their living situation, such as young families or the elderly, will have limited options.

This section outlines Cupertino's objectives, goals, policies and programs over the five-year period. Quantified objectives over the next five-year term (1990-1995) are stated. Programs are linked with potential funding sources and entities responsible for implementation.

A summary follows of the City's quantified objectives over the five year planning period (1990-1995).

**Units Conserved:** (Housing units preserved as rentals because of the City's Conversion Ordinance or through existing programs).

- Approximately 5,900 duplexes, triplexes and apartments can be preserved if no conversions occur. Should conversions occur, a percentage of the units will be dedicated to below market rate households.
- Maintain the 27 units for the handicapped and 20 units in congregate care residences.
- 63 very low and low income households can be assisted through the Section 8 Existing Program and 80 households can be assisted through Project Match or a similar matching service.
- Rehabilitation of 20-30 low income owner units.

SUB-TOTAL: 6,110-6,120 Units Conserved

### **Very Low & Low Income:**

- 140-190 units of subsidized rental housing for a variety of constituent groups by both profit and non-profit developers.
- 20 units could be developed as second units.

SUB-TOTAL: 160-210 New Construction Very Low & Low Income Units.

### **Moderate Income:**

- Approximately 5 family ownership units could be provided by Mortgage Credit Certificates (MCC's).
- 20 family units through mixed use developments.

SUB-TOTAL: 25 Moderate Income Units.

### **Above Moderate Income:**

- 513 units can be constructed in the above moderate income range.

SUB-TOTAL: 513 Above Moderate Income Units.



The City's goals, policies and programs are summarized below.

## Expand The Supply Of Housing

**A** EXPAND THE SUPPLY OF RESIDENTIAL UNITS FOR ALL ECONOMIC SEGMENTS TO ACHIEVE GREATER OPPORTUNITY FOR CURRENT AND FUTURE CUPERTINO EMPLOYEES AND RESIDENTS TO OBTAIN HOUSING.

### POLICIES

#### ■ *Policy 3-1: Housing Potential*

Provide for approximately 1,500 units in the existing non-residential areas.

#### *Strategy*

Prepare specific plans for planning districts where change is proposed and incorporate the allowed number of units in each district into the plan. The "Heart of the City" specific plan will indicate the number of and densities for 500 units. Housing sites for the Vallco, North De Anza and Bubb Road Planning District will be designated when Specific Plans are prepared. Allowed average density is approximately 20 units per acre in the above mentioned areas. Policies 3-26 to 3-40 describe the housing mitigation program required for new office/industrial and residential development. New office/industrial development must pay a fee in-lieu of the development of affordable housing. New residential development must provide 10% BMR units. The residential mitigation program would create approximately 150 affordable units, since 10% BMR units are required, and since most projects would occur in these areas. The affordable units would be located on any of the identified sites, and would be incorporated into the residential project if it were a mixed income development.

### **Policy 3-2: Total Allowed Housing Units**

Allow a total of 2,587 new housing units. The sources of new housing are:

Neighborhoods and hillsides (Appendix A)	1783 units
Planning Districts (Appendix C)	1484 units
<b>Total</b>	<b>3267 units</b>

Since the total units exceed 2,587, the Appendix B sites are guaranteed consideration for development. The 1,484 units shown in Appendix C are a pool, with the total allowed to be built City-wide not to exceed 2,587.

#### **Strategy**

Annually evaluate the approval and construction of housing units to assure that the neighborhood and hillside units are consistent with Appendix B. If units are approved or constructed which are either lower or higher than the projected potential, the Planning District (Appendix C) pool will be adjusted accordingly. Annually monitor the Appendix C units to assure that they do not exceed 1,484 units.

### **Policy 3-3: Promotion of Neighborhood Housing**

Promote development of neighborhood housing potential by providing property owners with information about the development process.

### **Policy 3-4: Density Bonus**

Encourage high density affordable housing with density bonuses.

SEE MUNICIPAL  
CODE CHAPTER 19.52

### **Policy 3-5: Mandatory Residential Locations**

Consider specific locations for mandatory residential or mixed use:

Bandley Drive, in North De Anza Boulevard area

Bubb Road

Portions of Stevens Creek Boulevard:

North side: between the west boundary of the "Magic Wok" on  
Saich to Stelling

South side: between the west boundary of Union Church and  
Stelling

Study these areas to determine the feasibility of mandatory residential or mixed use and rezone them if determined feasible.

### **Policy 3-6: Surplus School and Church Site Development**

Consider surplus school and urban church sites for higher density and mixed use housing.



### ■ **Policy 3-7: Additional Study Areas**

Other areas to consider which require more study are:

Stelling between 280 and Stevens Creek  
 Rancho Rinconada near Cupertino High School  
 Monta Vista area near railroad tracks  
 City lands

### ■ **Policy 3-8: Transfer of Development Credit Density Bonus**

Allow a density bonus if a transfer of development credit (TDC) program is adopted which allows transfer of potential residential units from one location to another.

#### *Strategy*

Consider adopting a Transfer of Development Credits (TDC) program.

### ■ **Policy 3-9: Discount Parking Standards**

Discount parking standards for mixed use developments.

### ■ **Policy 3-10: Development Standards**

Set landscaping, open space and setback standards so there are minimum standards that must be met.

### ■ **Policy 3-11: Design Standards**

Set high standards of design for high density/mixed use projects to ensure high quality development and to reduce off-site impacts.

#### *Strategy*

Include specific development standards in the specific plans and zoning ordinances.

SEE USE PERMIT  
 NUMBER 18-U-84

NOTE ALLOWANCE  
 FOR FLEXIBLE  
 RESIDENTIAL  
 STANDARDS  
 SEE POLICY 2-13,  
 STRATEGY 4.



**Policy 3-12: Accessory Housing Units**

Allow accessory housing units on certain lots in single family districts.

**Policy 3-13: Affordable Housing Sites**

Cooperate with the county, private and non-profit housing developers to identify sites for very low, low and moderate income housing.

**Policy 3-14: Creative Finance Methods**

Foster a conducive environment for attracting low and moderate priced housing programs financed by other levels of government. The use of mortgage revenue bond programs will be encouraged. All such developments will meet the City's design and service criteria.

**Policy 3-15: County, State and Federal Programs**

Participate in available county, state and federal programs that promote or provide housing.

**Policy 3-16: HCD Funds**

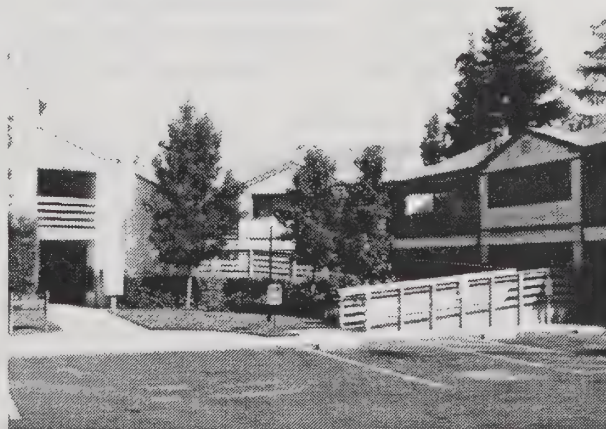
Continue to make Housing and Community Development (HCD) funds available to developers to help defray costs inherent in meeting or exceeding the requirements for supplying below market rate housing.

**Policy 3-17: HCD Funds Availability**

Make available HCD or general funds for site acquisition for low and very low priced housing. Parcels purchased with HCD or general funds can be made available to private developers or a non-profit housing corporation capable of constructing low and very low priced housing.

**Policy 3-18: Use of City Funds**

Use City funds for programs that help supply affordable rental housing to low and very low income households, particularly senior citizens and disabled individuals who are on a fixed income. The City will contract with a non-profit organization or use other mechanisms to supply this housing. Need will be identified through census and other data. Priority will be given to Cupertino residents.



SEE MUNICIPAL  
CODE CHAPTER 19.84

**■ Policy 3-19: Priority Processing**

Give priority processing to applications that provide very low, low and moderate income housing to reduce development costs associated with time delays.

**■ Policy 3-20: Article 34 Referendum**

Place the issue of affordable housing on the ballot to obtain Article 34 referendum authority should this be necessary to provide for affordable housing.

**■ Policy 3-21: Market Rate to Affordable Rental Units**

Encourage the conversion of existing market rate rental units to affordable rental units.

**■ Policy 3-22: Long-Term Leases**

Encourage long-term leases of property from churches, school districts and corporations for construction of affordable rental units.

**■ Policy 3-23: Priority Placement**

Give first priority in any affordable housing projects to individuals who reside, work, attend school, or have family in Cupertino.

**■ Policy 3-24: Affordable Rent Schedule**

Utilize the City's Affordable Rent Schedule as a guideline in setting rents for new affordable housing.

**■ Policy 3-25: Rent Schedule Update**

Update the rent schedule each year as new income guidelines are received from the state and federal government. Determine a uniform method for allowing rent adjustments for affordable housing projects that are developed.



**Policies 3-26 to 32 apply to Office and Industrial Housing Mitigation**

Apply housing mitigation for office and industrial development to 1.3 million square feet of unbuilt office/R&D space in the existing General Plan and 2.0 million square feet above the current General Plan.

**Policy 3-26: Office/Industrial Mitigation**

Mitigate new office/industrial development by providing an in-lieu fee as set by the City Council. The fee shall be adjusted annually based upon the Consumer Price Index.

**Policy 3-27: Waive Fees**

Waive park fees and construction tax for any affordable units.

**Policy 3-28: Early Public Involvement**

Involve public from the beginning when affordable housing is planned so that there are fewer objections to the project when it goes through the City approval process. Development applications with affordable units will receive priority processing to streamline the process but must still meet legal noticing requirements.

**Policy 3-29: Housing on Employment Center Sites**

Locate housing units on employment center sites or in areas that could be designated for higher density housing, such as Bubb Road, Bandle Drive, City Center area, and within 1/4 mile of employment centers.

**Policies 3-30 to 40 apply to Housing Mitigation of Residential Development****Policy 3-30: Residential Participation in BMR Program**

Require every residential development to participate in the BMR program with the exception of affordable housing developments.

**Policy 3-31: On-Site BMR Units**

Emphasize on-site development of the BMR units. Second priority would be off-site BMR units located within the City limits.

**Policy 3-32: Land In-Lieu of BMR**

Allow developers to meet all or a portion of their BMR requirement by making land available for the City or a non-profit housing developer to construct affordable housing.

**Policy 3-33: 10% BMR Requirement**

Require ten percent (10%) of a residential development to be BMR units.

REFER TO "HOUSING  
MITIGATION PLAN"  
FOR DETAILS ON  
POLICIES 3-26  
THROUGH 3-29

REFER TO "HOUSING  
MITIGATION PLAN"

■ **Policy 3-34: Waive Fees**

Waive park dedication fees for affordable units.

■ **Policy 3-35: In-Lieu Fee**

Assess an in-lieu fee for developments of less than ten units. For developments of ten or more units, a comparable BMR unit must be developed. The in-lieu fees shall be collected at the building permit stage and the fee is to be adjusted annually.

■ **Policy 3-36: BMR Time Requirement**

Require BMR units to remain affordable for a minimum of 30 years.

■ **Policy 3-37: Utilization of In-Lieu Fees**

Utilize in-lieu fees the City receives in the following manner (ranked in order of priority):

- a. Finance affordable housing projects in Cupertino.
- b. Establish a down payment assistance plan that may be used in conjunction with the BMR program or to make market rate units more affordable. The assistance should be in the form of low interest loans and not grants.
- c. Establish a rental subsidy program to make market rate units more affordable. In-lieu fees collected from office, industrial and retail development will also be used in this manner.

■ **Policy 3-38: Finance Strategies**

Investigate and encourage various financing strategies including, but not limited to, the following:

Local and county bond financing.  
Bank financing of mixed use projects.  
Pension funds as sources of financing.  
Transfer tax for sales of property  
Redevelopment agency reactivation.

■ **Policy 3-39: Housing Endowment Program**

Create a Housing Endowment Program for the creation of affordable housing units.

■ **Policy 3-40: Adequate Reserves**

Ensure the long-term viability of affordable housing projects by requiring the developer to provide an adequate reserve for long-term maintenance.

**Policy 3-41: Mobile Homes and Pre-fabricated Homes**

Permit the construction of mobile homes and pre-fabricated houses on permanent foundations, subject to compliance with zoning regulations, building code and other applicable City regulations.

**Policy 3-42: Condominium Conversion**

Conversion of rental forms of multiple family housing to condominiums will not be permitted if the proposal significantly diminishes the present number of rental units within Cupertino or substantially reduces the ratio of ownership-to-rental units in effect at the time of the requested conversion. As a general guide, rental units shall not be converted to single family ownership housing when the rental vacancy rate within the Cupertino Housing Market Area is less than 5% at the time of application and has averaged 5% over the past six months. The vacancy rate will be determined by surveys conducted by the City of Cupertino's Planning Department.

**Policy 3-43: Conversions Remaining Low/Moderate Income**

Prior to approving any condominium conversions, ensure that a significant portion of the converted units remains part of the low and moderate income housing stock.

**Policy 3-44: Structural Upgrading**

Prior to approving any condominium conversions, ensure that the project has been upgraded to eliminate any health and safety hazards and to meet current development standards. The city shall also reasonably demonstrate that comparable replacement rental housing exists within the Cupertino area to accommodate the displaced residents.

**Policy 3-45: Temporary Emergency Shelter**

Work with local organizations to implement a program to provide a temporary emergency shelter that would rotate monthly among local churches.



**PROGRAMS****■ Program 1**

Prepare specific plans for existing non-residential areas which will incorporate residential uses, and include specific development standards.

Responsible Agency: Planning Department  
 Funding Source: Property Owners/developers  
 Time Frame: Heart of the City, Stevens Creek Blvd: Begin 1993, Complete 1994 (includes West and East Stevens Creek Blvd. and Crossroads)  
 Vallco: Begin 1994, Complete June 1995  
 North De Anza: Begin 1994, Complete June 1995

**■ Program 2**

Annually evaluate Appendix B. If units are approved or constructed which are different from projected potential, adjust Appendix C units. Monitor annually to assure that total units do not exceed 2,587.

Responsible Agency: Planning Department  
 Funding Source: Staff Time  
 Time Frame: Ongoing

**■ Program 3**

Send a flier to all property owners identified on Appendix B describing the development review process and some of the policies available to them which facilitate development review, such as priority processing, etc.

Responsible Agency: Planning Department  
 Funding Source: Staff Time, City Funds  
 Time Frame: By January, 1995

**■ Program 4**

Encourage higher density affordable housing with density bonuses..

Responsible Agency: Planning Department  
 Funding Source: Staff Time  
 Time Frame: Ongoing

**Program 5**

Study specific locations to determine the feasibility for mandatory residential or mixed use: Bandle Drive, Bubb Road and portions of Stevens Creek Boulevard.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

**Program 6**

Consider surplus school and urban church sites for higher density and mixed use housing.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**Program 7**

Consider additional locations for future residential use: Stelling between 280 and Stevens Creek, Rancho Rinconada near Cupertino High School, Monta Vista area near railroad tracks and City lands. Criteria for considering residential uses include: ability of area to accommodate residential uses, particularly higher density housing (med/high 10-20 or high 20-35 du./gr.ac.) such as lot size, compatibility of surrounding area and ability to convert to residential use. Actual unit yield will be determined upon completion of the analysis. Areas determined to be appropriate will be redesignated in the land use plan and rezoned, if necessary.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Begin 1994, Complete June 1995

**Program 8**

Consider adopting a Transfer of Development Credits (TDC) program.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1995

Development and design standards will be set in conjunction with the Stevens Creek, Valico and North De Anza Specific Plans, and will accommodate the housing units described in Appendix C.

### ■ **Program 9**

Discount parking standards for mixed use developments.

Responsible Agency: Planning Department  
 Funding Source: Staff Time  
 Time Frame: 1993

### ■ **Program 10**

Set minimum landscaping, open space and setback standards for higher density and mixed use programs.

Responsible Agency: Planning Department  
 Funding Source: Staff Time  
 Time Frame: 1993

### ■ **Program 11**

Set high design standards for higher density and mixed use projects..

Responsible Agency: Planning Department  
 Funding Source: Staff Time  
 Time Frame: 1993

### ■ **Program 12**

Continue Second Unit Ordinance. Provide information regarding opportunities for second units to property owners through public contact and publications. Describe the program in the "Cupertino Scene" and provide a hand-out at the planning counter.

Responsible Agency: Planning Department  
 Funding Source: Staff Time  
 Time Frame: Ongoing

### ■ **Program 13**

Work with county, state, federal and private agencies in developing affordable housing. Use HUD funds to finance infrastructure improvements. The City has established a housing fund with CDBG funds, which are distributed by HUD.

Hold biannual City Council hearings to review the progress of agencies receiving CDBG funds and proposals from non-profit agencies to provide housing and housing services. Allocate annual CDBG funds of approximately \$140,000 to housing and housing related services. Meet at least quarterly with other city and council CDBG staff to coordinate funding strategies, including a Housing Trust Fund. Maintain contact with non-profit housing developers to explore possible affordable housing projects.



Responsible Agency: Planning Department  
 Funding Source: Staff Time, HUD  
 Time Frame: Ongoing

#### Program 14

Aggressively pursue federal and state funds for the construction of assisted family and elderly rental housing, using federal and/or state subsidies. Continue a proactive approach to affordable housing development by directly contacting non-profit developers to develop in Cupertino, meeting with large land holders to encourage the sale of property for use in constructing affordable housing. Continue to offer incentives, such as fast tracking and development funds (CDBG and BMR In-Lieu Fees). Establish a goal to review funding proposals from three non-profit developers a year. Meet with four property owners or their agents a year.

Responsible Agency: Planning Department  
 Funding Source: Community Development Block Grant Program, HOME Program and other funding sources as they become available  
 Time Frame: 1990-95

#### Program 15

Continue participation in Section 8 (existing) to assist very low and low income families and elderly households. Continue to accept Section 8 certificates and vouchers provided by the Housing Authority. Sponsor a workshop for Cupertino landlords to encourage Section 8 participation.

Responsible Agency: Santa Clara County Housing Authority  
 Funding Source: Section 8  
 Time Frame: Ongoing

#### Program 16

Develop rental and affordable ownership housing opportunities through the following combination of programs:

- Continue priority processing of developments that have low and moderate income units;
- Identify the most suitable sites and determine the availability of surplus school sites;
- Excuse all or a portion of development fees for projects that include low and moderate income units, if there would be no effect on the health, safety and welfare of the community;
- Develop additional methods for providing funding and housing units such as revenue bond financing;

- Use City funds to assist a non-profit organization to develop rental units for low and very low income households. Several funding sources are currently being considered. After a funding source is established, the City will issue a Request For Proposals to appropriate non-profit organizations which would be responsible for designing, implementing and managing the housing.

Responsible Agency: Planning Department/Housing and Services Coordinator

Funding Source: CDBG, developers of mixed use sites, Staff Time

Time Frame: Ongoing

#### ■ **Program 17**

Determine the necessity of an Article 34 Referendum. Consider holding a general election to cover the maximum number of affordable housing units expected over a multi-year period.

Responsible Agency: Staff Reports to City Manager

Funding Source: City Funds

Time Frame: As Needed

#### ■ **Program 18**

Participate in Mortgage Credit Certificate programs to provide ownership housing for moderate income households.

Responsible Agency: City continues to participate with the County

Funding Source: Bond Sales, Staff Time

Time Frame: Ongoing

#### ■ **Program 19**

Continue to support matching services for low income elderly households. Annually evaluate the effectiveness of senior matching services.

Responsible Agency: Planning Department/Housing and Services Coordinator

Funding Source: Staff Time, CDBG

Time Frame: Ongoing

**Program 20**

Encourage the conversion of existing market rate units to affordable rental units by continuing to offer BMR in-lieu fees to assist in rental subsidies.

Responsible Agency: Planning Department

Funding Source: Below Market Rate (BMR) In-Lieu Fees, Staff Time

Time Frame: Ongoing

**Program 21**

Convene local churches, service organizations and school districts to encourage their participation in the development of Affordable Housing policy. Request churches, school districts and corporations to either offer excess land (in the form of a sale or long term lease) to the City or a non-profit developer for construction of affordable rental units.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1994-95

**Program 22**

Give first priority for affordable units to people who live, work or have family in Cupertino.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**Program 23**

Utilize the City's Affordable Rent Schedule in setting affordable rents and update annually.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing



### ■ Program 24

Adopt an ordinance to require housing mitigation procedures for new office/industrial and residential development.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

### ■ Program 25

Offer technical assistance to developers by having City staff explore various financing strategies for developments. Financing strategies include:

- Local and county bond financing.
- Bank financing of mixed-use projects.
- Pension funds as sources for construction financing.
- State of California's BEGIN Program.

Program 25 shall also be used in conjunction with Policy 3-3 and Program 3.

Aggressively pursue funding for rental payment assistance programs, gap financing for new construction and financing for employer assisted housing programs. Furthermore, staff will continue to support non-profits in their application for tax credits by agreeing to be the local review agency and waiving the payment offered to the City for its participation. Hold an annual workshop, in conjunction with the Affordable Housing Committee, for developers and banks to highlight programs and incentives offered by the Community Development Department. Produce a handout for the workshop that may also be displayed at the Building Division and Planning Division counters.

Responsible Agency: Planning Department

Funding Source: Below Market Rate (BMR) In-Lieu Fees,  
Staff Time

Time Frame: 1994-95

### ■ Program 26

Create a Housing Endowment Program for affordable housing.

Responsible Agency: Planning Department

Funding Source: Staff Time, CDBG

Time Frame: 1995

**Program 27**

Require developers of affordable housing to provide a reserve for maintenance.

Responsible Agency: Planning Department

Funding Source: Staff Time, Project sponsor

Time Frame: Ongoing

**Program 28**

Develop an educational program for the public about affordable housing.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1994

**Program 29**

Ensure that developers meet with neighborhood groups prior to and during development of affordable housing projects.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**Program 30**

Form a housing advocacy group to educate residents about affordable housing needs and benefits.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1994

**Program 31**

Continue to support a program to provide a temporary emergency shelter that would rotate monthly among local churches.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing



## Preserve And Enhance Neighborhoods

**B** ESTABLISH AND ENFORCE EFFECTIVE GUIDELINES AND REGULATIONS FOR THE CONSTRUCTION OF SAFE, QUALITY HOUSING, AND FOR THE MAINTENANCE AND IMPROVEMENT OF EXISTING HOUSING.

### POLICIES

#### ■ *Policy 3-46: Maintenance of Public Property*

Continue the high quality maintenance of public streets, rights of way and recreational areas. Continue the semi-annual trash pickup program throughout the City and encourage its implementation in the unincorporated area within the City's Sphere of Influence.

#### ■ *Policy 3-47: Code Enforcement Efforts*

Continue current code enforcement efforts within the corporate limits and encourage the Santa Clara County Board of Supervisors to increase code enforcement in county islands and land within the City's Sphere of Influence.

#### ■ *Policy 3-48: Neighborhood Cooperation*

Support local neighborhood improvement districts and homeowner associations. In upgrading residential property, a neighborhood approach should be used, allowing as much local participation as possible. The approach should be service oriented, offering services such as incentives for rehabilitation.

#### ■ *Policy 3-49: Residential Property Maintenance*

Encourage citizens to continue to maintain existing residential properties in a manner which enhances the character of Cupertino.

#### ■ *Policy 3-50: Code Inspection Program*

Continue to offer a presale code inspection program for residential structures.

#### ■ *Policy 3-51: Housing Rehabilitation Loan Program*

Continue participation in the Housing Rehabilitation Loan Program financed through the Urban County Housing and Community Development Block Grant Program. The Rehabilitation Program provides low-interest rate loans and small grants to very low and low income households to correct building code violations and to correct housing deficiencies. The program is targeted for owner-occupied units.



**Policy 3-52: Expansion of Rehabilitation Activities**

Investigate and pursue other federal, state and county funded programs available for expansion of rehabilitation activities.

**Policy 3-53: Substandard Housing Rehabilitation**

Encourage the upgrading and rehabilitation of substandard housing within the City's Sphere of Influence.

**Policy 3-54: Loan Programs**

Provide information on loan programs. Periodic features in the local media will be encouraged.

**Policy 3-55: Energy Conservation Techniques**

Actively promote energy conservation techniques and energy efficiency in building design, orientation and construction. The relationship between energy conservation and its impact on housing costs should be explored to ensure that any selected program does not reduce the supply of affordable housing.

**Policy 3-56: Solar Energy**

Re-examine the residential zoning ordinance to ensure that limitations regarding mechanical apparatus do not unduly inhibit solar energy use.

**Policy 3-57: Energy Conservation Programs**

Investigate and pursue information regarding energy conservation programs or policies that are being implemented by other California cities.

**PROGRAMS****Program 32**

Conserve low income handicapped units and units in congregate care residences. This will be accomplished by maintaining the rent of the handicapped units at rates affordable to low income persons.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

### ■ *Program 33*

Continue code enforcement and maintenance of public areas.

Responsible Agency: Planning/Public Works Departments

Funding Source: City Funds

Time Frame: Ongoing

### ■ *Program 34*

Provide low interest rate loans or grants to very low and low income households to correct building code violations and housing deficiencies per the City's Rehabilitation Guidelines. The program is targeted at owner-occupied units. If sufficient funds are available, loans will be made to rehabilitate rental units.

Responsible Agency: Planning Department

Funding Source: CDBG

Time Frame: Ongoing

### ■ *Program 35*

Continue the Condominium Conversion Ordinance to preserve the existing supply of affordable rentals.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

### ■ *Program 36*

Provide information on loan programs through the Rehabilitation Program.

Responsible Agency: Planning Department

Funding Source: CDBG

Time Frame: Ongoing

### ■ *Program 37*

Review existing City ordinances and energy programs from other jurisdictions. Develop energy policies, if necessary. Ensure that housing costs are not affected.

Responsible Agency: Planning Staff

Funding Source: City Funds

Time Frame: Ongoing

### Program 38

Offer pre-sale code inspections on request.

Responsible Agency: Building Department Staff

Funding Source: Applicant Fees

Time Frame: Ongoing

### Program 39

Investigate and pursue other federal, state and county funded programs available for expansion of rehabilitation activities.

Responsible Agency: Planning Staff

Funding Source: Staff Time, CDBG

Time Frame: Ongoing

## Promote Housing Accessibility

**C** ESTABLISH A COMMUNITY IN WHICH ALL PEOPLE, REGARDLESS OF THEIR ETHNIC, RACIAL, RELIGIOUS BACKGROUND, INCOME, MARITAL STATUS, SEX, AGE OR PHYSICAL HANDICAP HAVE AN EQUAL OPPORTUNITY TO OBTAIN HOUSING. PROMOTE THE EQUITABLE SOLUTION OF SOCIAL AND TECHNICAL PROBLEMS CONCERNING PROPERTY OWNERS AND RESIDENTS.



### POLICIES

#### Policy 3-58: Discrimination

Support efforts of organizations which are working toward eliminating discrimination in the Cupertino area.

#### Policy 3-59: Voluntary Mediation Board

Refer landlord/tenant complaints to a voluntary mediation board established by the City and operated by Project Sentinel.

### PROGRAMS

#### Program 40

Refer individuals experiencing housing discrimination to the Midpeninsula Citizens for Fair Housing or other such organizations.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing



### ■ **Program 41**

Refer landlord/tenant complaints to a mediation board established by the City and operated by Project Sentinel.

Responsible Agency: Planning Department

Funding Source: Staff Time, Service Agency

Time Frame: Ongoing

### ■ **Program 42**

Continue to support fair housing services through the Santa Clara County CDBG Program.

Responsible Agency: Santa Clara County

Funding Source: CDBG (County)

Time Frame: Ongoing

## **Evaluation Of 1990 Housing Element**

Government Code Section 65588 requires that the housing element evaluate:

1. The appropriateness of the goals, objectives and policies in contributing to the state housing goal;
2. The effectiveness of the housing element in attainment of Cupertino's housing goals and objectives; and
3. The progress of the city in implementation of the 1990 Housing Element.

Below are each of the housing goals and programs from the 1990 Housing Element followed by a discussion of actions taken since 1990 to implement each program. The programs are listed in the same order as they appear in the 1990 Housing Element.

### **EXPAND HOUSING SUPPLY**

**Program 1.** Provide information regarding rezoning of commercial and industrial lands to residential for owners of these lands.

**Discussion:** Since there are very few remaining large vacant commercial sites in Cupertino, the City has limited opportunities to encourage rezoning of commercial and industrial lands to residential use. However, several sites are suitable for mixed use projects because they are located in established commercial areas (refer to Program 8 below). The program will be strengthened by allowing residential uses in office, industrial and commercial areas.

**Program 2.** Work with county, state, federal and private agencies active in developing affordable housing. Use HUD funds to finance infrastructure improvements.

**Discussion:** The City continues to work with county, state, federal and private agencies in developing affordable housing. In addition, City staff has been encouraging non-profit agencies to apply for funds to develop affordable housing in Cupertino. During the past five years, four projects were implemented in the City, which involved converting existing market rate units to 20 affordable rental units. Below is a summary of each project.

Developer/Funding	No. of Units	No. of Residents	Project
Innovative Housing Building Industry Association	Group Home	5 single parents, 6 children	Rehabilitated the Simms house, a 2,400 sq. ft. house on recently acquired City parkland.
Cupertino General Fund	1	2 single parents, 3 children	Acquired a below market rate condominium.

In addition to the above projects, there are plans approved for 10 units of affordable senior apartments at the True Value Hardware site in Monta Vista, and four apartments, three of which are to be affordable, as part of a 6-unit condominium project. Funding has been obtained for three group homes in Cupertino which will be sponsored by Innovative Housing. Funding (\$3,000) was provided to Innovative Housing to lease a house and screen and place three low income single parent families, and one individual who pay reduced rent.

The City funded \$4,000 for Project Match to provide shared housing opportunities for eight people.

City staff meets regularly with representatives from other cities and the County to access funds for affordable housing projects, and has met with several non-profit and for-profit developers as well. Non-profit developers are likely to apply directly for federal funds for projects in Cupertino.

**Program 3.** Construct 140 - 190 units of assisted family and elderly rental housing using federal or state subsidies if available. Develop family and elderly units in proportion to the needs identified.

**Discussion:** No new units were constructed in the two year period. Two affordable housing projects serving seniors, while constructed previously, receive yearly funding from the City. These two projects serve 26 people in 18 units:

Community Housing Developers  
Acquisition of two four-plexes  
16 seniors

Chateau Cupertino  
Funding goes toward screening and support services for 10 seniors in affordable apartments.

Other affordable senior housing units have been approved by the City, as discussed in Program 2.

No new assisted family units were developed because of lack of federal subsidies and the high cost of land in Cupertino, and limited City staff time devoted to housing. No proposals for Community Development Block Grant (CDBG) funds, which average approximately \$150,000 per year, were received in the two-year period. The City placed greater emphasis on general affordability, not just to seniors, as demonstrated by the creation of the Affordable Housing Committee.

During the past years, the City has consolidated the housing duties under a full-time Planner II to assist in the development and implementation of the City's housing program. A more proactive approach has been possible. The Planner II is responsible for meeting with local developers and other individuals to encourage development of additional housing units.

As commercial or industrial developments are planned, the City's Planning Department has been encouraging housing units as part of mixed use developments and will continue to do so in the future. These units are more likely to occur in the future given the new housing policies land uses.

**Program 4.** Continue participation in Section 8 (existing) to assist 20 very low and low income families and elderly households.

**Discussion:** The Santa Clara County Housing Authority administers the HUD Section 8 Program in Cupertino. The Section 8 program pays the difference between the rent an individual can afford to pay and the actual rent of the unit they occupy.

There are currently (February 11, 1993) 61 Section 8 certificates and 8 Section eight vouchers issued to Cupertino residents. There are 120 Cupertino families on the waiting list for the Section 8 program.

The majority of federally subsidized units in Cupertino are located in the Sunny View West Home which contains 100 HUD-subsidized rental housing units for elderly and disabled residents. It is located at Foothill Boulevard and Cupertino Road. The 61 Section 8 units are scattered throughout the City.

A problem in the past has been that Fair Market Rents paid through the Section 8 program were not high enough to be attractive to landlords. Currently, Section 8 rents are more competitive and this program might be strengthened in Cupertino through a workshop for landlords.

**Program 5.** Develop rental and affordable ownership housing opportunities through the following combination of programs:

- Continue priority processing of developments that have low and moderate income units;
- Identify the most suitable sites as shown in Figure 3-M and determine the availability of surplus school sites;
- Excuse a portion of, or all development fees of projects that include low and moderate income units, if there would be no effect on the health, safety and welfare of the community by this action.



- Develop additional methods for providing funding and housing units such as revenue bond financing, housing mitigation fees, or inclusionary zoning requirements. Require mandatory programs to ensure developer participation.
- Adopt a method, during 1986, to implement density bonus increases according to Section 65915 of the Government Code;
- Use City funds to assist a non-profit organization to develop rental units for low and very low income households. Several funding sources are currently being considered. After a funding source is established, the City will issue a Request For Proposals to appropriate non-profit organizations, which would be responsible for designing, implementing, and managing the housing.

**Discussion:** Priority processing - The Planning Department continues to give priority to processing projects which include low and moderate income units. Cupertino's application schedule is designed to expedite the hearing process. The time period between submitting an application and appearing before the Planning Commission is only one and one-half months. This is the minimum time needed for environmental review, legal noticing, and architectural review, if required. This program is effective and should be continued at its present level.

**Identify sites** - The City prepared a list and map of 92 sites with residential development potential (refer to Appendix B). An additional map identifies areas and amounts of housing allowed in non-residential areas.

**Waive development fees** - In the past, development fees were waived for projects which either provided BMR units or in lieu fees. Since the BMR program was dropped, City staff has considered and investigated several new programs to provide incentives for encouraging affordable housing, including a fee waiver system. A specific program will be designed as a product of the General Plan review which is expected to conclude in 1993.

The City has entered into cooperative agreements with the County for the issuance of Mortgage Credit Certificates (MCCs). Since 1990, a total of 19 MCCs have been issued in Cupertino.

Through the use of an MCC, eligible first-time home buyers increase their eligibility to qualify for a mortgage loan and reduce their effective mortgage interest rate approximately 2 percentage points. MCC recipients may take 20% of their annual mortgage interest payments as a dollar for dollar tax credit against their federal income taxes. The home buyer adjusts federal income tax withholdings, increasing income available to pay for the mortgage. As home prices increase in Cupertino, they may exceed the limits of the MCC program and fewer certificates may be issued. Therefore, additional programs will be needed to serve this need.

**Density bonuses** - The City has adopted a density bonus ordinance.

**Use of City funds** - In 1986 the City created the Seniors and Handicapped Housing Fund for the purpose of promoting the development of affordable housing for seniors and disabled persons. The initial source of funding was in-lieu fees from the City's former Below-Market Rate (BMR) Program. The City has also made allocations of CDBG funds to the Seniors and Handicapped Housing Fund over the past two years. The sources of income for the fund at present are rent from a City-owned condominium, interest from a Spark Foundation loan, investment interest and annual CDBG allocations. Awards of \$20,000

annually were granted to Cupertino Community Services to administer a Rotating Shelter Program and to provide screening and placement services for affordable senior units.

In 1989, the City approved policies by which agencies would be encouraged to leverage City funds with other sources of funds, so that more people could be served with the limited funds available, and to give smaller loans for housing projects with loan payback terms that will allow the building of a revolving loan fund for housing. The Affordable Housing Committee was established to review proposals for affordable housing projects to be funded from the Seniors and Handicapped Housing Fund. The committee meets monthly and is attempting to finance a greater variety of projects and to use the fund to leverage other sources of financing. This program has been effective in generating and applying funding. Current programs may deplete existing funding, so additional sources of revenue should be investigated.

**Program 6.** Determine the necessity of an Article 34 Referendum.

**Discussion:** Article 34 of the California Constitution requires a positive vote of the electorate in order to allow the construction of low cost publicly owned, developed, or financed housing. The need for an Article 34 referendum is determined on a case by case basis. The City could consider holding an Article 34 election to cover the maximum number of affordable housing units expected to be developed over a multi-year period.

**Program 7.** Participate in Mortgage Credit Certificate programs to provide ownership housing for moderate income households.

**Discussion:** As discussed above under Program 5, the City has entered into a cooperative agreement with the County for the issuance of MCCs. Nineteen MCCs were issued in the last two years.

**Program 8.** Encourage mixed use development through the City's land use policies. Analyze all proposed residential and non-residential developments for potential mixed use. Consider appropriateness based on surrounding area and access to transportation and services. Develop methods for determining appropriate shared parking arrangements for mixed use developments. Develop a policy on the ratio of retail/office development to housing to encourage more housing units. The City regulates non-residential development through floor area ratios (FARs). However, since housing constructed in conjunction with non-residential development is excluded from the FAR calculation, a developer is thereby encouraged to provide housing in areas otherwise reserved for non-residential growth.

**Discussion:** The City continues to encourage mixed use projects which incorporate residential uses within commercial projects. The Planning Department has been discussing with developers the City's desire to add residential units as part of other mixed use sites and commercial developments. A number of mixed use projects have been developed during the past five years. In addition, the City has approved a private project which includes a new building with retail and office uses on the first floor and 10 apartment units on the second floor. This is an effective way to create new housing in an area not identified for housing. This program will be strengthened with the identification of non-residential areas for mixed use housing, and the preparation of specific plans which will provide more detail on their location, density and design.

**Program 9.** Review vacant lands for potential rezoning, including rezoning non-residential land to residential uses and increasing the permitted intensity of residentially zoned par-



cells. Identify areas and parcels appropriate for rezoning to allow residential uses, particularly mixed use and increased densities.

**Discussion:** Since there are very few remaining large vacant commercial sites in Cupertino, the City has limited opportunities to encourage rezoning of commercial and industrial lands to residential use. However, several sites are suitable for mixed use projects because they are located in established commercial areas. For example, Town Center is a mixed use project which has 158 townhouses and 373 apartments (including 169 senior apartments). The density of a small residential subdivision was increased in one case. This program has been implemented on a case-by-case basis, rather than every three years. It will be strengthened by implementing the policy to consider mandatory residential uses in certain areas.

**Program 10.** Continue Second Unit Ordinance. Provide information regarding opportunities for second units to property owners through public contact and publications.

**Discussion:** During the past two years, there have been only two requests for approval of second units, both of which was approved. Due to the lack of requests for approval of second units, the quantified objective were not met. This program could be more effective and could be strengthened by promoting second units through public contact and publications. Allowing second units in zoning districts other than single family could be considered. Determining alternate forms of financing is not a likely activity.

**Program 11.** Continue to support matching services for low income elderly households. Annually evaluate the effectiveness of senior matching services.

**Discussion:** The City has continued to support Project Match with CDBG funds. Project Match helps senior citizens who wish to share housing. The City annually evaluates the feasibility of continuing to contract with Project Match.

**Program 12.** Continue to use CDBG funds to reduce costs in supplying below market rate housing. The City has established a citizen housing fund with CDBG monies.

**Discussion:** The City is in its 19th year (1992-93) of receiving Community Development Block Grant (CDBG) funding. The city currently receives approximately \$142,000 of CDBG discretionary funds and \$15,000 of CDBG administrative funds each year. In addition, funds are also available at the County level for CDBG competitive funds.

HUD regulations require that projects selected for funding must benefit very low and low income persons, eliminate a blighted area or address an urgent (emergency) community need. In addition, only certain types of activities qualify, including property acquisition, public improvements, public services, affordable housing, housing rehabilitation and removal of barriers to the handicapped.

As discussed above under Program 5, the City created the Seniors and Handicapped Housing Fund in 1986 to assist in financing the development of rental housing units for low and moderate income senior citizens and disabled persons. On November 5, 1990, the City Council expanded the fund description to include all affordable housing development for very low and low income persons or families. Approximately \$450,000 is now available in this fund for below-market rate loans to non-profit agencies. Affordable Housing Fund applications for funding are accepted throughout the year.



Because this program has been successful in working with non-profit agencies to develop affordable housing units, other revenue sources for the fund should be developed. The City also expanded the scope of the housing fund and its oversight committee to encompass all affordable housing projects, rather than limiting it to housing just for seniors and the disabled.

**Program 13.** Work with local organizations to implement a program to provide a temporary emergency shelter that would rotate monthly among local churches. Amend the BQ zoning district to allow emergency shelters as conditional uses.

**Discussion:** The City worked with the churches to provide a temporary shelter program, and one is established. The shelter rotates among approximately 15 local churches and serves 37 guests. The BQ zone allows emergency shelters as permitted uses.

## Preserve And Enhance Existing Housing

**Program 14.** Conserve low income handicapped units and units in congregate care residences. This will be accomplished by maintaining the rent of the handicapped units at rates affordable to low income persons.

**Discussion:** The low income handicapped units in the Le Beaulieu development, which is owned by a non-profit developer, are being conserved, so this program is effective.

**Program 15.** Continue code enforcement and maintenance of public areas.

**Discussion:** The City continues to have an active code enforcement program through the Planning Department and Building Department. In addition, two code enforcement officers work out of the City Manager's office. The program encourages the conservation of housing stock. The building department enforces the Uniform Building Code through regular inspections and investigation of complaints regarding code violations. The code enforcement officers enforce zoning and permit regulations which assure that residences are maintained according to code and approved plans. In 1991 and 1992 code enforcement officers responded to 205 cases involving violations in these areas. This program is effective in conserving housing stock and should be continued.

**Program 16.** Provide low interest rate loans or grants to very low and low income households per year to correct building code violations and housing deficiencies per the City's Rehabilitation Guidelines. The program is targeted at owner-occupied units. If sufficient funds are available, loans will be made to rehabilitate rental units.

**Discussion:** Since 1976 the City has been offering low-interest loans to residents of low and moderate income to repair/rehabilitate their homes. In October 1988, the City approved changes in loan terms to bring in a greater amount of income from new rehabilitation loans by requiring payments that are affordable based upon the loan recipients' incomes. The loan committee has reserved the option of reducing the interest rate or amount of the payments in hardship cases. Although most loans have been provided in the Rancho Rinconada area, outreach efforts were expanded to the incorporated areas of the City after the earthquake on October 17, 1989.

Since these changes were made, there has been a steady increase in the amount of income generated from loan payments. The program currently brings in enough income to be self-perpetuating, without additional CDBG funds.

During the past two years, a total of 10 rehabilitation loans were issued for owner-occupied homes. The outstanding loan portfolio contains 31 payment bearing loans and 14 deferred loans, with a total outstanding loan balance of approximately \$800,000. Because of the large number of loan pay-offs in recent years and the increased program income from loan payments, the program currently has \$180,000 available for new loans. The City did not provide funds to rehabilitate rental units. This is an effective program and should be continued.

**Program 17.** Continue the Condominium Conversion Ordinance to preserve the existing supply of affordable rentals.

**Discussion:** The City's Condominium Conversion Ordinance remains in effect. During the past two years, no apartment units have been converted to condominiums. This program is effective in conserving rental units and should be continued.

**Program 18.** Provide information on loan programs and fix-up techniques through the Rehabilitation Program.

**Discussion:** The City does considerable promotion of the rehabilitation program. The program is promoted through the distribution of flyers, door-to-door canvassing and the City newsletter. Providing information on fix-up techniques is being de-emphasized because the homeowner can get this information from other sources.

**Program 19.** Review existing City ordinances and energy programs from other jurisdictions. Develop energy policies, if necessary. Ensure that housing costs are not affected.

**Discussion:** The General Plan provides information on conserving energy in home construction. Energy Commission districts must have both gas and electric sources available for clothes dryers.

**Program 20.** Offer pre-sale code inspections.

**Discussion:** The City no longer offers pre-sale code inspections due to liability problems.

**Program 21.** Continue the City's Energy Commission's activities.

**Discussion:** The City's Energy Commission was active during 1991 but was discontinued as of January 1992.

**Program 22.** Investigate and pursue other federal, state, and county funded programs available for expansion of rehabilitation activities.

**Discussion:** City staff has attended workshops regarding other federal, state and county funded programs available for expansion of the rehabilitation activities. Primarily because many of the other programs are directed toward declining neighborhoods, the City has been unable to identify any additional funding sources for the rehabilitation program. Since the earthquake in October 1989, the Santa Clara County sponsors rehabilitation loans through the California Disaster Assistance Program (CALDAP) and Cupertino residents are referred

to this program. The City also refers residents to the County for the 312 Rehabilitation Loan Program and other programs that may be developed.

#### **PROMOTE HOUSING ACCESSIBILITY**

**Program 23.** Refer individuals experiencing discrimination to the Midpeninsula Citizens for Fair Housing or other such organizations.

**Discussion:** The City has used the services of the Midpeninsula Citizens for Fair Housing (MCFH) for several years. The organization provides counseling and follow-up investigation to victims of housing discrimination. The program is currently funded as part of a fair housing consortium through the Santa Clara County CDBG program and its service level will need to be addressed by the County.

**Program 24.** Refer landlord/tenant complaints to a mediation board established by the City and conducted by Operation Sentinel.

**Discussion:** The City provides a \$19,650 grant from the general fund for services to tenants and landlords including counseling about their rights and obligations, dispute resolution through mediation and information and referral. From July 1991 through June 1992 Project Sentinel received 811 calls which resulted in 67 cases, 20 conciliations, and 3 mediations. Program effectiveness is evaluated annually.

**Program 25.** Continue to support the fair housing services through the Santa Clara County CDBG program.

**Discussion:** Midpeninsula Citizens for Fair Housing (MCFH) investigates cases of discrimination against persons seeking housing, and is funded through County CDBG funds. During a two year period, MCFH responded to 35 complaints and investigated 15 cases from Cupertino residents.

#### **CONCLUSION**

The 1990 Housing Element projected construction of a total of 513 housing units between 1990 and 1995. The actual new construction between 1990 and 1992 was a net of 164 units. (Includes annexations and demolitions.) If the remaining three years produce units at this same rate, the projected 513 units will not be reached.

The City made loans for 10 rehabilitation projects. The 1990 Housing Element included a quantified objective to rehabilitate 20 - 30 low income owner-occupied units. The 5-year objective of this program may be met at this rate.

The goals and policies in the 1990 Housing Element need to be supplemented to attain the state housing goal. The disproportionately higher rents in Cupertino and the lack of adequate federal subsidies have resulted in the need for affordable housing far exceeding the supply. Reduced federal subsidies and the lack of other sources of revenue for housing have hampered efforts in meeting the City's share of regional housing need. In addition, there are not enough sites to accommodate the total regional housing needs, including market rate housing. The new General Plan includes new policies and programs to address both affordable and market rate needs.



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## Consistency With Other General Plan Elements

Government Section 65300.5 requires that the general plan and its elements comprise an integrated, internally consistent and compatible statement of policies of the City. The other elements of the General Plan are being revised in conjunction with the preparation of the revised Housing Element. In particular, revisions will be required to the Land Use Element.

## Description Of Public Participation Efforts

The Housing Element amendments were subject to two years of public hearings by the Planning Commission and City Council. Opportunities for public participation occurred at every hearing. In addition, the Affordable Housing Committee held open meetings monthly to discuss the Housing Mitigation Program and other affordable housing issues. A subcommittee of that Committee also met with community representatives to forge a mitigation program that would meet divergent needs.

## Appendix A: Sites for Housing Development Map

Contact the City of Cupertino, Community Development Department, to review full scale map.

## Appendix B: Description of Sites for Housing Development

The total potential for each property is based on the maximum General Plan allowed, and is an estimate only. Actual density yield could be different due to zoning and specific site conditions.

Map Code	Location	Exist DU	To Be Built	Total Potential	Status	Type	Zoning	Acres
1	Bollinger with term.	1	8	9	SV	SFD	R1-6	1.85
2	McClellan near Stelling	5	17	22	SV	SFD	R1-10	4.53
3	Stelling and Jollyman	1	1	2	SV	SFD	R1-6	0.48
4	Phil Lane	1	7	8	SV	SFD	R1-6	1.69
5	Phil Lane	1	4	5	SV	SFD	R1-6	1.11
7	Blaney and Pacifica	0	1	1	V	SFD	R1-7.5	0.2
8	Blaney and Rodriques	1	8	9	SV	SFA	R1-7.5	1.94
9	Blaney and Rodriques & Clifford	1	8	9	SV	SFA	R1-7.5	1.94
11	Rodriques near Blaney	1	10	11	SV	SFD	R1-10	1.17
12	SCB near DeAnza	0	60	60	V	SFA	P(RES)	1.67
13	Bollinger & DeAnza	3	2	5	SV	MU	R-3	0.4
14	Poppy near Rainbow	1	5	6	SV	SFA	R1-6	1.28
15	Rainbow near De Anza Blvd.	14	24	38	SV	MU	P(R3)	1.92
16	Stelling near 7 Springs	1	5	6	SV	SFD	R1-6	1.2
17	Stelling & 7 Springs Pkwy	2	8	10	SV	SFD	R1-6	2
18	Stelling near Robindel	3	5	8	SV	SFD	R1-6	1.61
19	Gardenside & Kingsbury	1	4	5	SV	SFA	R1-6	0.66
20	Cleo & Gardenside	7	12	19	SV	MU	P(R3)	0.96
21	Cleo & Gardenside	1	4	5	SV	MU	P(R3)	0.28
22	McClellan near Stelling	4	3	7	SV	SFD	R1-10	1.54
23	Stelling & Fairwoods	7	6	13	SV	SFD	R1-10	5.2
24	Stelling near SCB	6	28	34	SV	SFA	P	1.74
25	280 & Portal	0	3	3	V	SFD	A1-43	1.26
26	Rainbow & Stelling	3	2	5	SV	SFD	R1-6	1.92
27	Stelling near Orion	1	5	6	SV	SFD	R1-6	1.25
28	Orion & Orion Pl.	1	1	2	SV	SFD	R1-6	0.41
29	Orion Lane Terminus	1	10	11	SV	SFD	R1-6	2.28
30	Festival & Creekline	1	9	10	SV	SFD	A	2.13
31	Route 85 & Stelling	1	4	5	SV	SFD	R1-6	1.03
32	Santa Clara/Empire/Univ.	0	5	5	V	SFD	P(RES)	0.69
33	Ainsworth near Varlan	1	3	4	SV	SFD	R1-10	0.58
34	Crescent & Cup. Rd.	1	5	6	SV	SFD	R1-10	1.35
35	Hillcrest & Crescent	0	1	1	V	SFD	R1-10	0.23
36	Hillcrest	0	1	1	SV	SFD	R1-10	0.23
37	Hillcrest Terminus	0	6	6	SV	SFD	R1-10	1.21
38	Crescent near Cup.	1	2	3	SV	SFD	R1-10	0.72

Map Code	Location	Exist DU	To Be Built	Total Potential	Status	Type	Zoning	Acres
39	SCB near Foothill	1	2	3	SV	SFD	R1-10	0.73
40	Cupertino Road	0	1	1	V	SFD	R1-10	0.34
41	Bellvue Avenue	0	1	1	V	SFD	R1-10	0.23
42	Janice & Carmen	0	2	2	V	SFD	R1-10	0.41
43	Janice & Carmen	1	1	2	SV	SFD	R1-10	0.46
44	Scenic	1	3	4	SV	SFD	R1-10	0.98
45	Scenic	0	3	3	V	SFD	R1-C	0.73
46	Palm Avenue	0	1	1	V	SFD	R1-10	0.26
47	Santa Paula	1	2	3	SV	SFD	R1-10	0.79
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
49	San Leandro & McClellan	0	3	3	V	SFD	R1-10	1.65
49	San Leandro & McClellan	0	5	5	V	SFD	R1-10	
50	SCB near Scenic	1	4	5	SV	SFD	A	5.14
51	Cleo & Gardenside	36	14	50	SV	SFA	P(RES)	3.21
52	Rainbow & Sp Tracks	1	5	6	SV	SFD	R1-6	1.28
54	Evulich Ct.	4	4	8	SV	SFD	R1-7.5	2.37
55	McClellan near Linda Vista	3	7	10	SV	SFD	R1-7.5	2.35
56	Upland Way	5	5	10	SV	SFD	Pre RHS	4.5
57	Rainbow Terminus	0	3	3	V	SFD	RHS	1.81
58	Rainbow Terminus	0	4	4	V	SFD	RHS	2.79
59	Lindy Lane	0	1	1	V	SFD	R1-80	2.23
59	Lindy Lane	0	1	1	V	SFD	R1-80	2.94
60	Lindy Lane	0	1	1	V	SFD	R1-80	3.1
61	Regnart Rd. terminus	0	7	7	V	SFD	RHS	29.95
62	Miramonte & SCB	1	9	10	SV	SFD	R1-10	2.06
63	Kaiser Water Towers	0	2	2	V	SFD	RHS	13.39
64	Mercedes/San Felipe	2	1	3	SV	SFD	R1-10	1.7
65	Inspiration Heights	0	18	18	V	SFD	R1-7.5	3
66	Inspiration Heights	2	16	18	SV	SFD	RHS	30
67	Byrne near Almaden	1	2	3	SV	SFD	R1-8	0.72
68	San Fernando & Orange	1	1	2	SV	SFD	R1-7.5	0.67
69	McClellan & Byrne	0	1	1	V	SFD	R1-7.5	0.23
71	Homestead North	1	192	193	SV	SFA	A-215	9.68
74	Seven Springs	272	136	408	SV	SFD	P(RES)	15.6
75	Diocese	0	178	178	V	SFD	RHS	208
77	North Blaney	1	4	5	SV	SFA	R1-C	0.28
78	North Blaney	1	4	5	SV	SFD	R1-7.5	0.91
79	Forest & Toni Ct.	1	1	2	SV	SFD	R1-7.5	0.35
80	Bubb & Pumpkin	1	3	4	SV	SFD	R1-7.5	0.73
81	Bubb & Krzich	1	3	4	SV	SFD	R1-7.5	0.87
82	McClellan Church Site	1	8	9	SV	SFD	R1-7.5	2.13
83	Rae Lane	1	2	3	SV	SFD	R1-7.5	0.61
84	Rae Lane	1	1	2	SV	SFD	R1-10	0.49
85	Clarkston	1	3	4	SV	SFD	R1-7.5	0.72
86	McClellan & Madrid	1	1	2	SV	SFD	R1-7.5	0.38
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
88	Stevens Canyon Rd.	3	5	8	SV	SFD	R1-10	2.8



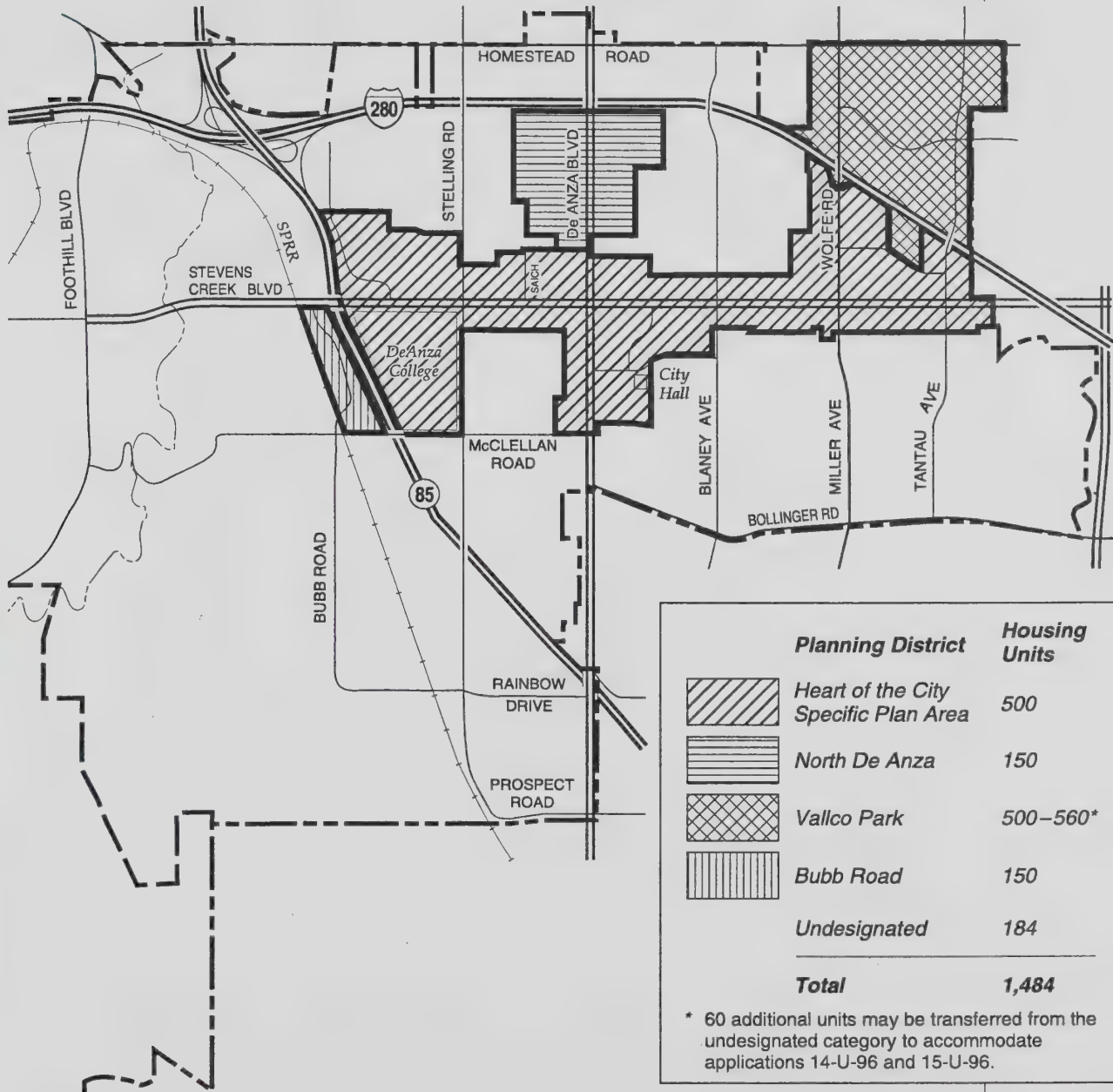
Map Code	Location	Exist DU	To Be Built	Total Potential	Status	Type	Zoning	Acres
89	Foothill & Alcade	0	3	3	V	SFD	R1-7.5	0.62
90	Gravel Pit	0	12	12	V	SFD	A1-43	125
91	Mariani	0	342	342	V	SFA	P(RES)	18.02
92	Kaiser Industrial Plant	0	40	40	SV	SFD	CO.	200
93	Stevens Creek Blvd./Mann Drive	0	24	24	SV	SFD	P(CN, ML, RES 4-12)	3.43
94	Crescent Court	1	3	4	SV	SFD	R1-10	0.92
95	Peninsula Ave. & Railroad	0	8	8	V	SFA	P(RES)	1.1
96	Rainbow Dr. & DeAnza Blvd.	0	11	11	V	SFA	P(RES-10-20)	0.34
97	Stevens Creek Blvd. & Varian Park	1	9	10	SV	SFD	R1-10	2.04
98	Granada Avenue	1	5	6	SV	SFA	PRE-(RES4-12)	.050
99	Granada Avenue	1	1	2	SV	SFD	R1.7.5	0.29
100	Granada Avenue	0	5	5	SV	SFA	P(RES4-12)	0.48
101	Orange Avenue	0	3	3	V	SFA	P(RES4-12)	0.27
102	Orange Avenue	1	1	2	SV	SFA	P(RES4-12)	0.18
103	Orange Avenue	1	1	2	SV	SFA	P(RES4-12)	0.18
104	Orange Avenue	1	1	2	SV	SFD	P(RES4.7.7)	0.34
105	Imperial Avenue	1	1	2	SV	SFA	P(RES4-12)	0.21
106	Dolores Avenue	3	1	4	SV	SFD	R1-7.5	1.02
107	Alcazar Avenue	1	1	2	SV	SFD	R1-7.5	0.50
108	Lomita Avenue	1	1	2	SV	SFD	R1-7.5	0.50
109	Lomita Avenue	1	1	2	SV	SFD	R1-7.5	0.50
110	Lomita Avenue	1	1	2	SV	SFD	P(RES4.4-7.7)	0.28
111	Lomita Avenue	1	2	3	SV	SFD	P(RES4.4-7.7)	0.44
112	Pasadena Avnue	1	1	2	SV	SFD	P(RES4.4-.12)	0.35
113	Sunny View Lutheran Home	179	50	229	SV	GRP	BQ	10.0
114	I280 and Stelling Road	1	38	39	SV	MU	*	1.14
	R3 (potential for redevelopment for sites over 25 years old):		**					
115	Greenwood Court	61	78	139	SV	MU	R3	10.5
116	Rosemarie Pl.	44	64	108	SV	MU	R3	3.2
117	Greenwood Court	116	16	132	SV	MU	R3	7.46
118	Villa de Anza	120	14	134	SV	MU	R3	7.3
119	Park Circle	60	18	78	SV	MU	R3	4.67
120	Valley Green	468	77	545	SV	MU	R3	31
121	Grove and Villa Sierra	388	62	450	SV	MU	R3	24.8
122	Village Green	122	19	141	SV	MU	R3	19
	Second units (allowed in all R-1 zoning districts)			40 - projected through planning period (1997)				
				40 - projected through planning period (1997)				

Totals	Exist DU	To Be Built	Total Potential	Acres
	2000	1920	3920	896.05

\* Zoning to be determined

\*\* Potential is calculated by multiplying the difference between the existing and allowed units by 1/2 the acreage

## Appendix C: Housing Units by Planning District





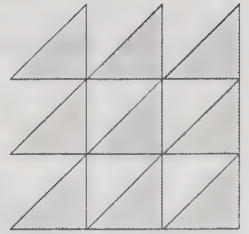






APR 2 1997

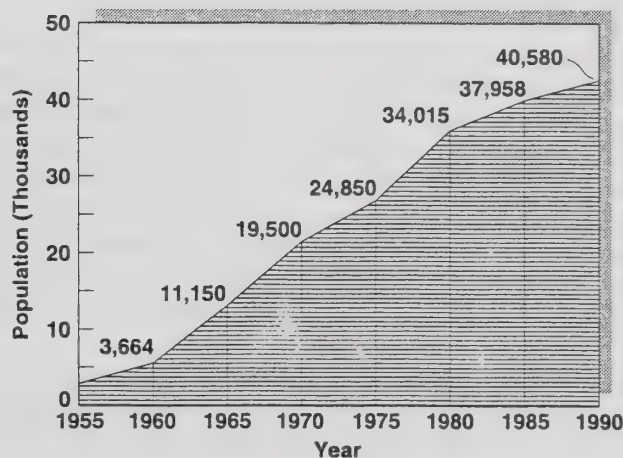
UNIVERSITY OF CALIFORNIA



## Section 3

**Housing****Population And Housing Profile****Community Profile****POPULATION**

Cupertino, like other cities within Santa Clara County, has experienced a rapid increase in population since its incorporation in 1955, growing from less than 2,500 residents to its 1990 population of 40,263, (1990 census). In contrast to the corporate limits, the City's 1990 Urban Service Area population is 46,911 (ABAG, 1992). The accelerated growth that occurred from the 1950s to the present is a result of northern Santa Clara County's economic transition from an agricultural center to worldwide headquarters for many high technology industries.

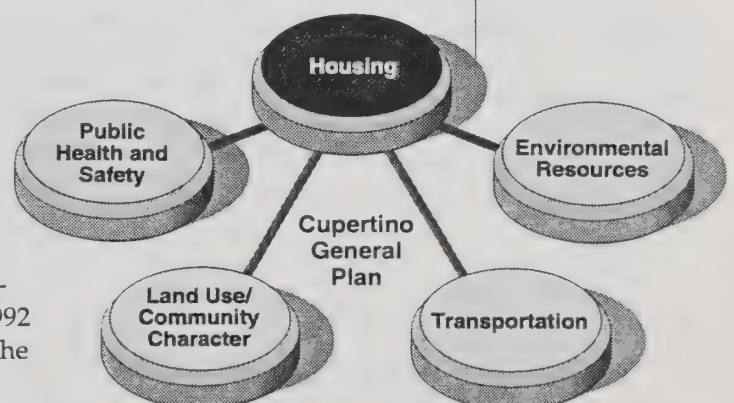


*City of Cupertino's  
Population Growth  
History.*

Between 1970 and 1980, Cupertino's population almost doubled, partially as a result of a 1979 boundary transfer when 12,000 new residents were added to the community. Outside of annexations, the rate of population growth is expected to increase at a slower rate, due to the reduced number of children per household, the scarcity of developable land and a slower rate of housing construction. There will be an estimated 9% increase in population between 1990 and 2,000 (ABAG, 1992).

**AGE DISTRIBUTION**

The age distribution of the population in Cupertino has undergone a change. In 1980, the median age was 32 years; in 1990 it was 36 years. Until recently the percentage of school-age children was decreasing. For example, the enrollment of school-age children dropped 51% in the Cupertino Unified School District from 21,593 in March 1974 to 10,992 in June 1984. This trend began to reverse in 1984. The 1990 school enrollment was 11,900.

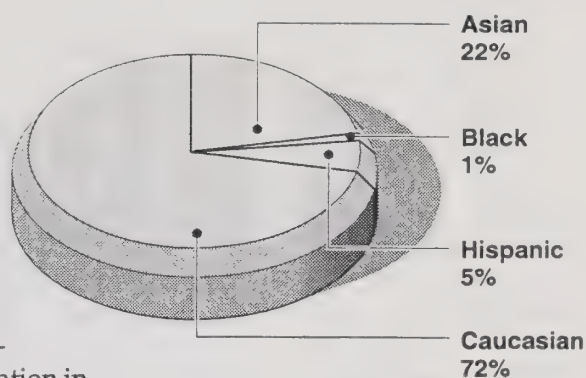






### ETHNIC DISTRIBUTION

Historically, Cupertino has a very small minority population. Between 1975 and 1980, the Caucasian population decreased slightly from 89% to 86%. There was a corresponding slight increase in the Asian-American population from 3% in 1975 to 6.9% in 1980. The other ethnic groups remained proportionally similar in size over the same period. Recently, the Asian-American population in Cupertino has increased. The 1990 census reports that 23% of Cupertino's population is Asian; 74.3% is white and 1% is black.



*Ethnic Distribution of Population.*

### EMPLOYMENT

Cupertino's industrial base is high-tech electronics/computer corporations, similar to the entire northwest section of Santa Clara County. The City serves as a corporate headquarters and center for research and development. Due to high land and living costs, very little manufacturing takes place in the City. The three largest employers are Hewlett-Packard (4,200 employees); Apple Computer (4,200 employees); and Tandem Computers (3,300 employees). Employment levels at Apple and Tandem increased about 62 percent between 1986 and 1989, and both companies wish to increase employment growth in Cupertino during the 1990s. With the exception of the past few years, Hewlett-Packard has also experienced growth (Sedway & Associates, 1990).

A 1985 survey of Cupertino employees indicated the following: 29.6% were in managerial or professional positions; 7.5% were technicians; 11% were in sales; 18.3% were in clerical positions; 8.5% were in service fields; .5% were in farming; 11.3% were skilled laborers and 13.1% were unskilled laborers.

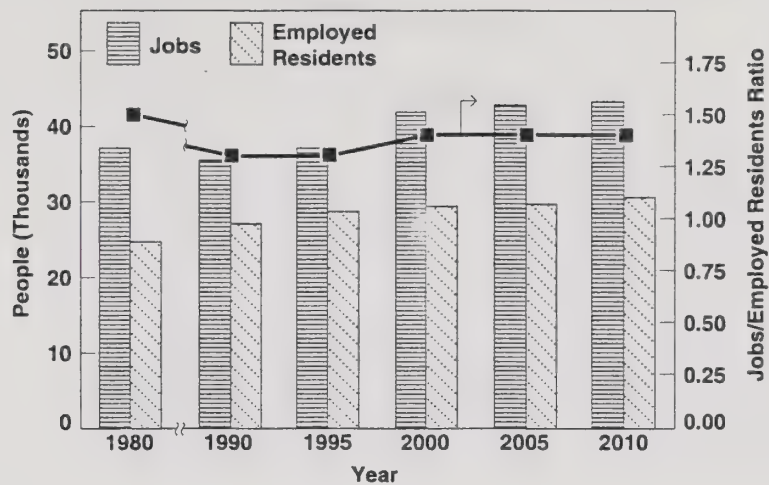
The labor force includes a significant percentage of women. In 1980, approximately 44% of the women over 16 years of age were employed full time (35+ hours per week) while 25% were employed part time. This is an important fact in that a larger proportion of working women affects household size, income and housing preference.

### JOBS AND HOUSING

In regard to the actual number of employees, Cupertino, like the other cities in northern Santa Clara County, provides a large employment base. Because Cupertino is an employment center, a large number of employees commute into the City. Cupertino's sphere of influence has approximately 35,650 jobs compared to 27,163 employed residents (ABAG, 1992). This disparity is expected to grow about five percent by the year 2000. The ratio of jobs to employed residents is currently 1.3, while the ratio in the County is 1.1.







*Jobs and Housing Ratio.*

The cumulative total historical and projected number of new jobs in Cupertino is as follows:

Year	Jobs
1980	37,239*
1990	35,650*
2000 (buildout)	51,799**

\* ABAG 1992

\*\* City of Cupertino 1993

On the surface, Cupertino's jobs/housing equation is out of balance as indicated by the jobs/employed residents ratios. Thus, the relationship between employment and housing plays a major role in the future housing plans for Cupertino as well as the entire county. When a community or region is unable to provide enough housing for its employees, these employees must come from outside the area. Long distance employment commutes contribute to additional traffic congestion, air pollution and social and economic problems associated with the fiscal imbalance between communities. The present jobs and housing imbalance in Cupertino is also a county and regional problem. Existing development patterns which have established industrial centers must be taken into account in analyzing which localities supply jobs and which supply housing. The fiscal inequalities between communities, particularly those who must spend a great deal of money to service residential areas, must be resolved. Those communities which do provide employment need to make efforts to increase their housing potential to address the housing needs of their employees.

One of the ways to increase housing potential is through the General Plan. For example, the City has the means to control its industrial expansion via the Land Use Element. Areas for additional housing are designated to help maintain a balance between jobs and housing. The City of Cupertino's Land Use Element identifies how land can be used and developed and what property owners can hope to achieve.



## Household Characteristics

### HOUSING UNITS AND HOUSEHOLDS

From 1970 to 1980, the number of housing units in Cupertino more than doubled from 5,598 to 12,554. 1990 housing units are estimated to be 16,055 (Census 1990). Other sections of the General Plan are based on 15,046 housing units, which was the operative number in 1990). The estimated 1990 number of housing units within the urban service area is 17,460.

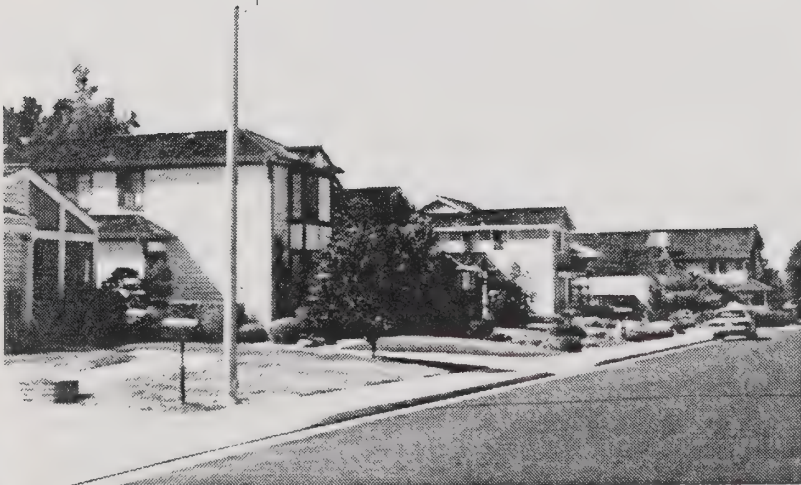
The number of households in the City limits in 1990 was 15,361. From 1970 to 1980, average household size decreased from 3.10 to 2.75 persons per household, reflecting the trend of fewer births and more single person households (ABAG, 1989). However, between 1980 and 1990, average household size decreased at a slower rate to 2.60 persons per household in 1990 (Census 1990).

Below is a summary of the historical and current number of housing units and average household size in Cupertino (city limits).

Year	Housing Units	Household Size
1970	5,598	3.10
1980	12,554	2.75
1990	16,055	2.60

### TYPE

Currently, single family homes remain the predominant housing type. In 1990, 58.8% of all housing units were single family (detached); 13% were single family (attached); 8.1% were multifamily or other (Census, 1990). Projections of future housing demand by type of unit, based on household income and construction costs, indicate that if housing affordable to the entire spectrum of economic groups is to be made available, the supply of multifamily units must increase.



The City has no restrictions on mobile homes or other types of factory built housing. There are currently several manufactured homes that have been constructed in Cupertino.

The population living in group quarters (e.g. mental hospitals, nursing homes, shelters, correctional institutions, etc.) is minimal. In 1990, group quarters population was estimated to be 313, which represents a 43% decrease from the 1985 group quarters population. (Dept. of Finance). This decrease is due to retirement centers no longer being counted as group quarters.





## OWNER-RENTER DISTRIBUTION

The 1980 census indicated 62% of the City's occupied units were owner occupied and 38% were renter occupied. The 1990 census reports 9,671 owner occupied units and 5,682 renter households, which are approximately the same percentages as 1980.

## VACANCY RATE

The vacancy rates for single and multifamily housing units decreased dramatically between 1975 and 1985 and have recently stabilized. In 1975, the vacancy rate was 7.01% and by March 1985 it had decreased to 1.7% (Housing Vacancy Survey published by the Federal Home Loan Bank of San Francisco). The overall vacancy rate in the City is currently 1.14% (State Dept. of Finance, January, 1990). A January 1990 survey of apartment managers of all complexes containing over 20 units in Cupertino indicated a 2.09% vacancy rate for apartments (Planning Department, January, 1990).

In order to preserve its rental housing stock, Cupertino adopted a Condominium Conversion Ordinance in 1978 that prohibits conversions unless the vacancy rate exceeds 5%. Since the ordinance was adopted, there have been no conversions.

## OVERCROWDING CONDITIONS

In 1980, approximately 188 households, or 1.5% of the total households, were overcrowded. In 1970, 3.6% of the total households were overcrowded. Applying the 1980 percentage to the total number of current households results in an estimated 223 households in overcrowded conditions (approximately 138 owner occupied units and 85 renter households).

Overcrowding is defined as more than 1.01 persons per room. The decreasing household sizes from 1970 to 1980 lessened concerns regarding overcrowding. However, the widening gap between demand and supply of housing could contribute to further overcrowding.

## ELDERLY AND HANDICAPPED

As discussed under "Age Distribution," the median age in the City has been increasing. In 1980, approximately 5.5% of the City's population was elderly (65 years or older) and about 4.5% of non-institutional population from ages 16 to 64 had some type of a work disability (handicap). In 1990, 8.5% of the population was 65 years or older and 6.9% of those between the ages 16 and 64 had some type of work disability (handicap). Approximately 1,384 elderly persons own their homes and 848 are renters.

Persons in these categories frequently have an income below the median and can have difficulty entering the housing market either to rent or to own. In 1980, 8.9% of those persons with incomes below the poverty level in Cupertino were 55 years of age or older. In 1990, the number rose to 15%. A study of seniors in Santa Clara County in 1989 indicated that the majority of senior couples in the county have incomes below \$2,024 monthly (Council on Aging of Santa Clara County, Inc., 1989). The fact that the elderly are on fixed incomes limits housing choice when prices rise. In addition, conventional home design techniques may not fit the physical needs and limitations of these groups.





## **FEMALE HEADS OF HOUSEHOLD**

According to the 1980 U.S. Census, there were 1,091 female heads of families within the City. In 1990, there were 1,165 female heads of household. A 1985 survey by QED Research indicated that female heads of households who are working in Cupertino and who have children, had the lowest average salaries among Cupertino workers. For example, a female householder with children had an average annual salary of \$29,719 while the overall average yearly household income of Cupertino workers was \$60,000 (primarily due to the fact that there is often more than one wage earner). The trend toward a greater percentage of female heads of households needs to be addressed by the community in terms of housing programs and land use policies.

In addition to affordability needs, there are also accessibility needs. The lower income status of this group indicates that rental housing may be the only affordable housing. However, many apartment owners will not rent to families with children, even though a 1982 California Supreme Court decision and the Fair Housing Act Amendments of 1988 made this type of discrimination illegal (Lawrence, 1990).

## **LARGE FAMILIES**

Approximately 1,304 or 10.6% of the 12,284 housing units within Cupertino in 1980 were occupied by households of five or more persons. In 1990, this number was 1,179 or 7.3%. Approximately 766 live in owner occupied units and the remaining 413 live in rental units. Given the fact that average household sizes are decreasing, the traditional housing concerns related to large families are becoming less important from a public policy point of view. The typical indicator of problems associated with large families is overcrowding. This does not appear to be a problem for Cupertino in view of the small percentage of overcrowded households (1.5%) reported in 1980.

## **FARMWORKERS**

State law requires analysis of the special needs of farm workers. Cupertino's lands in agricultural use are negligible. There are very few farm workers in Cupertino who require special housing assistance.

## **FAMILIES AND PERSONS IN NEED OF EMERGENCY SHELTER**

State legislation (AB 2579) enacted September 30, 1984 requires, among other provisions, local governments to assess in the housing element the need for temporary or emergency shelter in their communities (Government Code Section 65583 (a)(6)). Effective January 1, 1988, housing elements are required to identify "adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate the development of emergency shelters and transitional housing" (Government Code Section 65583 (c)(1)).

There are two basic ways of counting the homeless:

- daily count revealing how many people are homeless on a given day
- annual count revealing how many people were without a home at least one day in a year.



According to a report by the County, there were an estimated 855 homeless persons assisted by various agencies in the County on one particular day in 1989 (Santa Clara County Homeless Task Force and Homeless Overview Technical Committee, November, 1989). Using a ratio of total population applied to homeless population, Cupertino's homeless population on a daily basis is estimated to be 24 persons.

Homebase, a regional support center for homeless policies and programs, reported approximately 13,000 homeless persons in Santa Clara County in 1989. Assuming Santa Clara County's population of homeless persons is evenly distributed means an estimated 361 homeless persons in Cupertino on an annual basis (Homebase, June, 1990).

The Emergency Housing Consortium (which has five emergency shelters in Santa Clara County) served 10 Cupertino residents during a one year period (July 1, 1988 through June 30, 1989). There were a total of 140 shelter nights spent at Emergency Housing Consortium shelters by the 10 Cupertino residents.

The estimated number of homeless persons in Cupertino (based upon an assumption that the county-wide population of homeless is evenly distributed) may be high because homeless persons are more concentrated in urban areas such as San Jose, where housing is less expensive and there are more low skilled jobs. A more accurate count is not possible because homeless persons tend to move from one area to another (Brennan, 1990).

There are currently no permanent emergency or transitional shelters in Cupertino. However, Cupertino Community Services, a non-profit organization, provides emergency services to persons in need by serving as a referral service to agencies which furnish emergency temporary housing shelter and meals in Santa Clara County. This includes participation by Cupertino churches in an emergency shelter that rotates monthly among local churches. Rotating shelters are permitted uses in Cupertino's quasi-public zoning district. In 1990, Cupertino Community Services provided some form of assistance to about 400 to 500 persons a month and referred another 400 persons a month to agencies that supply food and/or shelter (Brennan, 1990). The assistance provided by Cupertino Community Services varies from helping to pay utility bills and purchase food to providing rental assistance and hotel room vouchers. Last year, Cupertino Community Services provided rental assistance and hotel room vouchers to approximately 20 persons per month.

The City of Cupertino has been providing financial assistance to Cupertino Community Services through the City's Human Services & CDBG programs. The City provides \$28,700 annually: \$8,700 is unrestricted, \$10,000 is to screen low-income housing eligibility and \$10,000 is for the rotating homeless shelter.

#### **SUBSIDIZED UNITS AT RISK TO CONVERT TO MARKET RATE HOUSING**

Government Code section 65583 (a)(8) enacted in 1989 (SB 1282) requires that the Housing Element include an analysis of existing multifamily rental developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment or expiration of use restrictions. The Housing Element must identify all federal, state and local subsidized housing in the City, note when the subsidies expire and determine the cost of replacing that housing.

In the 1960s, the federal government provided low-interest loans and rent subsidies through various programs administered by the Federal Housing Administration (FHA). In return, private developers/owners agreed to build or operate rental projects which were





protected by 40-year low income use restrictions. In order to stimulate private participation, the owners were given the option to terminate their contracts prior to the loan maturity dates. As owners exercise their options, the units may be sold or converted to market-rate units. In many cases the tenants are displaced and the inventory available to lower-income renters declines.

In addition to federally subsidized units, Government Code Section 65583 (a)(8) requires the City to identify and gather information on any projects developed with assistance from any of the following programs, and which are subject to low-income use restrictions which could be terminated within the next ten years:

- FmHA Section 515 Rural Rental Housing Loans;
- HUD Community Development Block Grant Program;
- State (CHFA) and local multifamily revenue bond programs;
- redevelopment programs;
- local in-lieu fees;

and units that were developed pursuant to:

- a local inclusionary housing program; and
- Government Code Section 65916, a density bonus project which has direct financial assistance and affordability controls.

There are no subsidized multifamily rental projects in Cupertino which are at risk to convert to market rate housing during the next ten years (California Coalition of Rural Housing Project, March, 1989). The only units which were developed with assistance from any of the above-referenced programs are 20 affordable rental units located in four projects which were financed from a variety of sources, including the City's Community Development Block Grant (CDBG) Program, Below-Market Rate In-Lieu Fees, Seniors and Handicapped Fund and private funding. The subsidized units are not at risk to be converted to market rate housing because the subsidies are not expected to be terminated and the homes are owned and operated by non-profit organizations.

#### INCOME DISTRIBUTION

Santa Clara County, compared to other counties within California and nationwide, is considered to be an extremely affluent county. Based on the 1980 Census, median household income for the county was \$23,370. In 1992, the median income in Santa Clara County was \$59,500 (State Department of Housing & Community Development 1992).

Among the 15 cities within the county, Cupertino had one of the highest median incomes reported. According to the 1980 Census, median household income was \$30,312, while median family income was \$33,249. In 1990, the median household income was \$64,587, while the median family income was \$70,671.





Below are the household income distributions in Cupertino in 1980, 1988 and 1990 (ABAG, 1989). Income categories are expressed as a percentage range of the regional median income.

	1980	1988 (averaged)	1990 (Census)
Very Low Income (below 50%)	9%	16%	13.5%
Low Income (50% to 80%)	10%	14%	8%
Moderate Income (80% to 120%)	17%	20%	37.20%
Above Moderate Income (120% and above)	64%	50%	41.5%

## Housing Needs

### LEVEL OF PAYMENT COMPARED TO ABILITY TO PAY

Overpayment of housing is most often determined by comparing a monthly house payment to gross monthly income. By State and Federal standards, if payment exceeds 30% of gross monthly income, the household is said to be overpaying.

The current definition of each income category and the resulting "affordability," (i.e., housing is considered affordable when a household pays less than 30 percent of its gross monthly income toward housing costs) monthly housing payment is shown below.

Relation to Median**	Maximum Income	Affordable Rent*
Household at or below 50% (very low)	\$28,850	\$721
Household between 50% and 66% (low) ***	\$38,650	\$965
Household between 67% and 120% (moderate)	\$71,400	\$1,785

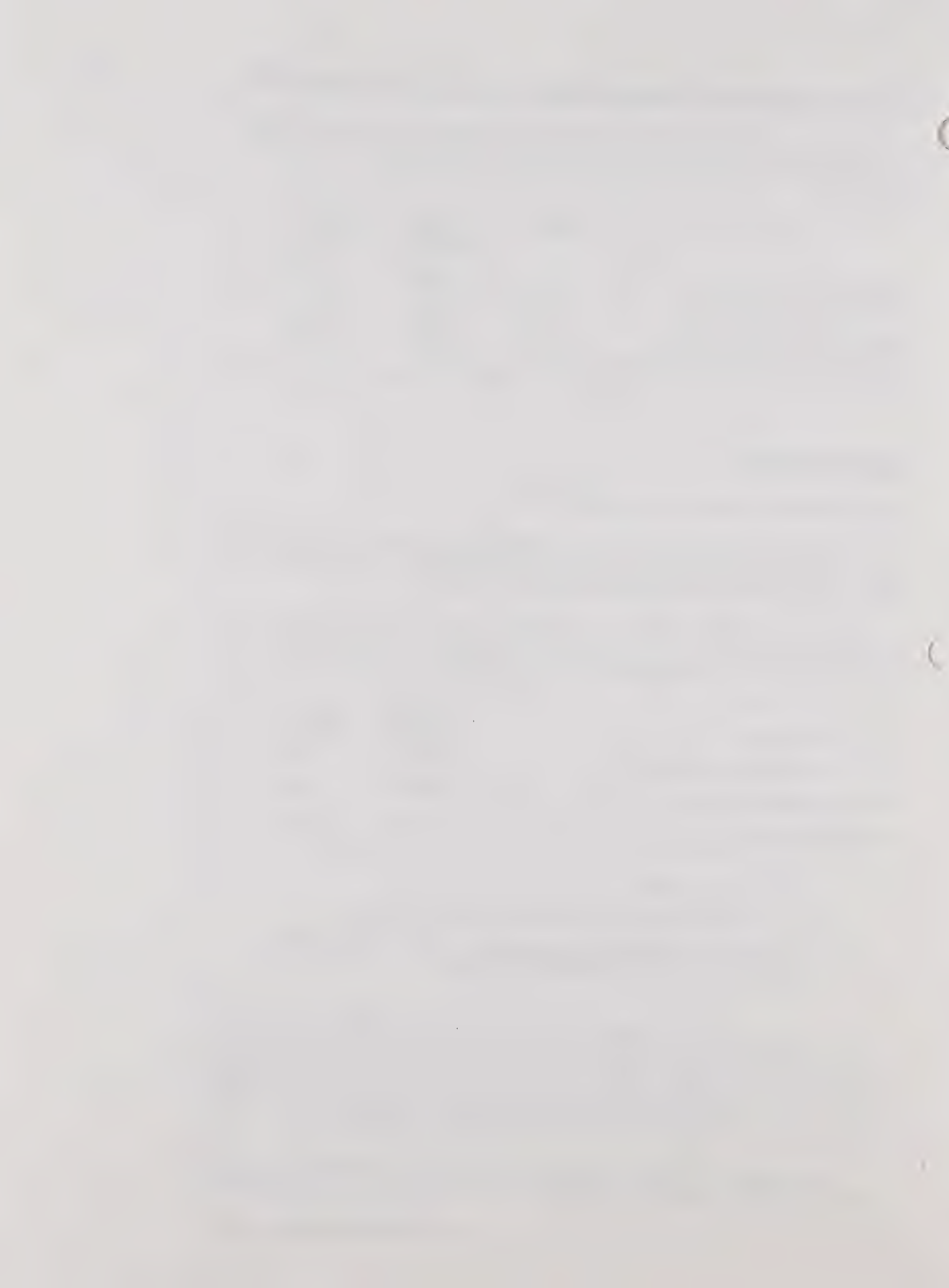
\* Including a utility allowance

\*\* Based on HUD Median Income for a family of four (\$59,500), 2/92 .

\*\*\* The common standard of 80% is adjusted down to 65% by HUD to offset the relatively high median income for Santa Clara County.

The 16% of Cupertino households that earn less than 50% of median income (based on 1988 income) are limited in their choice of housing. In January 1992, the Cupertino Planning Department conducted a survey of large apartment complexes in the City and found average rents for one-bedroom apartments at \$713 a month and two bedroom apartments at \$896 a month. Rents for one-bedroom apartments range from \$ 525/month to \$ 1,050. Rents for two bedroom apartments range from \$585 a month to \$1,600 a month .

The average price of single family homes in Cupertino is \$374,375 and the average price of condominiums and townhouses is \$222,541 (San Jose Real Estate Board, year end 1991).



Below are the numbers and proportions of low income households overpaying for housing in Cupertino ( Census, 1990).

	Total Number	Percentage of Cupertino's Households
Low income households (HH) owning	914	5.9%
Low income HH renting	1,251	8.1%
Low income HH overpaying (owners)	436	2.8%
Low income HH overpaying (renters)	1,142	7.4%

There is a significantly greater proportion of lower income renter households overpaying for housing than lower income owners. The estimated proportion of low income owners overpaying is 48% and the proportion of low income renters overpaying is 91% (Census, 1990).

#### REHABILITATION/REPLACEMENT

The majority of Cupertino's housing is in good condition. Information regarding current rehabilitation needs for Cupertino was derived from the City's 1983-1986 Housing Assistance Plan and is summarized as follows:

- Rehabilitation needs are concentrated in the lower income areas, which are predominantly unincorporated. These households do not have enough disposable income to maintain their dwelling units.
- Approximately 383 units need rehabilitation; 232 (39%) are owner occupied and 151 (61%) are rental units.
- There are no units requiring replacement.

#### ACCESSIBILITY

Closely related to the issue of adequate housing is the issue of the accessibility to housing, so that each household regardless of ethnic, economic, age, or marital status is provided with a reasonable choice of locations within the community. Problems that relate to accessibility focus on two main areas: discrimination and landlord-tenant conflicts.

**Discrimination** Cupertino refers complaints on discrimination to the Midpeninsula Citizens for Fair Housing, a local non-profit agency, funded through the CDBG program by Santa Clara County to investigate claims of discrimination. The Midpeninsula Citizens for Fair Housing staff reported that the organization received 11 complaints and worked on 2 cases involving Cupertino residents during a one year period (July 1, 1991 through June 30, 1992). The majority of complaints for Cupertino continue to involve discrimination against families with children. In cases where sufficient evidence of discrimination is obtained, clients are referred for legal service.





**Landlord-Tenant Issues** Landlord-tenant conflicts center around several areas. The major portion of these problems involve the following:

- Complaints from landlords regarding non-payment of rent and property destruction.
- Claims by tenants regarding unreasonable rent increases.
- Inability of tenants to reclaim cleaning and/or security deposit.
- Claims by tenants of landlords' failure to maintain and repair the buildings and facilities.
- Other issues involve noise, pest and rodent control, etc.

The degree and extent of the problem, if any, is difficult to document. Based on recommendations from the City's Rental Housing Subcommittee, a voluntary mediation process for Cupertino residents and landlords was established. The City provides \$19,950 annually from the City General Fund to Project Sentinel for the administration of this program.

## ENERGY AND HOUSING

Energy conservation can benefit Cupertino on an economic level as well as preserve non-renewable resources for future consumption. Investments in energy conservation reduce utility costs and enable increased efficiency.

Cupertino requires that all multifamily units be plumbed at the time of construction for solar energy and all multifamily and single family residential clothes dryer outlets accommodate both gas and electricity.

## NEW CONSTRUCTION NEED BASED ON ABAG REGIONAL HOUSING ALLOCATION

The State of California Department of Housing and Community Development has authorized ABAG to determine housing needs for each city and county in the San Francisco Bay region (Government Code Section 65584). Government Code Sections 65580-65590 require cities to show ample opportunity for housing development which meets regional housing needs as defined by ABAG. In addition, obstacles to meeting such needs must be removed. State law does not require cities to actually produce or operate the housing, nor participate in subsidy programs. Opportunity means that a jurisdiction shall identify sites for housing and make adequate provision for the existing and projected needs of all economic segments of the community.

ABAG allocates the regional share of housing need to each jurisdiction by considering six local factors: market demand for housing, employment opportunities, availability of suitable sites and public facilities, commuting patterns, type and tenure of housing and housing needs of farmworkers.

The total regional share of housing need is distributed into four income categories: very low, low, moderate and above moderate. ABAG moves each jurisdiction toward the regional distribution by averaging the existing city percentages with the existing county and regional percentages to determine the percentage to be applied to the projected housing need. For

SEE ENERGY AWARE-  
NESS SECTION, PAGE  
2-39, 2-40

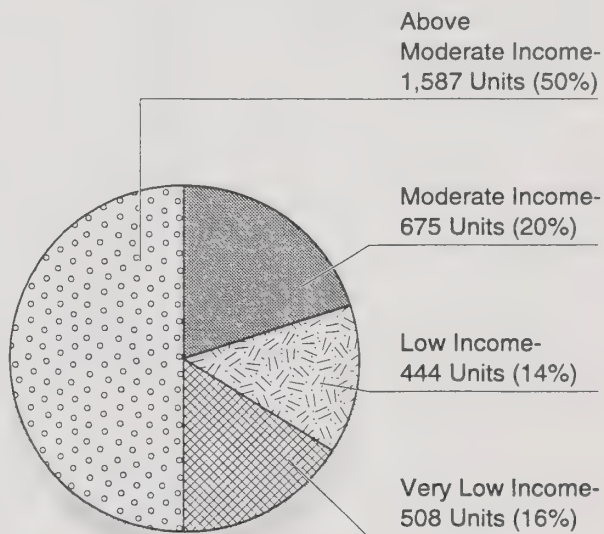




example, the City of Cupertino (with 9% very low) is averaged with Santa Clara County (17% very low) and the region (23% very low) to derive a projected 16% very low ( $(9+17+23=49; 49/3=16)$ ).

Given these factors, ABAG projected the 1988-1995 housing need for Cupertino to be 3,174 units, as summarized below.

Of the 3,174 units projected by 1995, 1,343 units are to be obtained through ABAG's recommendation that Cupertino consider "Alternative Zoning," (i.e., revisions in the City's Zoning Ordinance or other City actions which would allow additional housing). Alternative Zoning Projected Need figures in ABAG's Housing Needs Determination Report were established only for the 39 Bay Area cities where the expected job growth will exceed the projected housing development by more than 500. Cupertino was one of these 39 cities. Alternative Zoning figures do not mean that a City's existing Zoning Ordinance must or should be modified to accommodate projected housing need, but rather a City could take other actions such as identifying specific "in fill" sites, and encouraging second units.



Total New Housing Units Needed 1988-1995: 3174  
 1988-1995 Projected Housing Need By Income  
 Group To Meet Regional Need.

(Source: ABAG 1989)



The number of units needed for 1990-1995, is based upon the following:

	<b>ABAG (1988-1995) *</b>	<b>Units Produced (1988-1989)</b>	<b>Adjusted Needs (1990-1995)</b>
Very Low	508	10**	498
Low	444	0	444
Moderate	635	12***	623
Above Moderate	1,587	639****	948
Total	3,174	661	2,513

\* ABAG, Housing Needs Determinations, January 1989.

\*\* Consists of 10 units in a congregate care residence (Chateau Cupertino).

\*\*\* Includes 10 Mortgage Credit Certificates (MCC's) and two second (accessory) units.

\*\*\*\* Includes the following units:

<b>Year</b>	<b>New Construction</b>	<b>Annexation</b>	<b>Units Demolished</b>	<b>Net Gain</b>
1988	453	7	19	441
1989	197	14	13	198
Total				639





## Adequate Sites Inventory

One of the functions of the Housing Element is to analyze the capacity of suitable and developable sites to meet identified housing needs. Cupertino is a community which is mostly built out. The hills to the west provide environmental constraints to high density development and annexation potential is generally limited to the Urban Service Area since the adjacent communities are also urbanized with little developable land available. Therefore, most new housing developments will be urban infill.



During the five year planning period (1990 - 1995), it is projected that 513 total additional housing units, approximately 103 units/year, will be constructed within the incorporated portions of the City. This will bring the total number of housing units in the City to 15,559, an increase of approximately 3%. The projected units include 240 homes on vacant land and 273 homes on underdeveloped land, as shown below.

### Projected Housing Units (1990 - 1995)

	Vacant Land	Underdeveloped Land	Total	
Single Family Detached	210	169	379	(74%)
Single Family Attached	30	96	126	(24%)
Multi-Family	0	8	8	(2%)
Total Units	240	273	513	

The projected number of units (513 units) during the five year planning period is approximately 20% of the projected new units (2,584 units) at buildout in the year 2000. This is based upon the assumption that the larger projects (i.e., the Diocese site, and the Quarry site and the non-residential areas) will not be developed during the five year planning period. There are currently no development plans for these projects and the planning process, prior to construction, will be lengthy. Therefore, the projected units during the five year planning period are expected to be mostly on the smaller sites.

Appendix A, Sites for Housing Development Map, shows the location of the land available for residential use within the City limits based upon the existing land use plan. Appendix B, Description of Sites for Housing Development, shows the size (acreage), potential number of additional units, zoning and type of units for each site. Appendix C shows the maximum number of housing units allowed in the current non-residential Planning Districts.

Nearly all of the housing sites depicted in Appendix A and Appendix B are within the city limits and have adequate services available to accommodate their potential development. Each housing site is relatively close to major transportation corridors served by the Santa Clara County Transportation Agency. Each site is relatively close to shopping and other community support activities.





None of the sites is affected by a particularly adverse noise environment which could not be mitigated through normal construction and site planning techniques. Additionally, the City of Cupertino's Planned Development Ordinance and Single-Family Cluster Residential Ordinance contain mechanisms to ensure that high intensity development can be designed to provide a healthy living environment for potential residents.

#### VACANT SITES

There are 31 vacant housing sites, which could yield a total of 548 (maximum) units, including 124 single family detached homes and 424 single family attached homes. With the exception of six sites, the vacant land consists of small infill sites (i.e., with the potential for less than 10 units). The bulk of the units would be located on Stevens Creek Blvd. near De Anza Blvd (Site #12, single family attached homes), the Diocese property (Site #75, single family detached homes), and the Mariani property at De Anza Blvd. and Homestead Road (#91, single family attached homes).

#### UNDERDEVELOPED SITES

There are a total of 59 developed sites which have the potential for a total of 1,235 (maximum) additional units, including 468 single family detached homes, 276 single family attached homes and 478 multifamily/group units.

With the exception of seven sites, the underdeveloped land consists of small infill sites (i.e., with the potential for less than 10 units). The bulk of the units would be on three sites: Homestead North (Site #71, single family attached homes) Seven Springs (Site #74, single family detached homes), and Kaiser Industrial Plant (Site #92, single family detached).

#### LAND INVENTORY SUMMARY

Below is a summary of the existing (1990) and projected (1995) total number of housing units within the City, by type.

	Existing (1990) Units *	Projected (1990-1995) Units	Total (1995) Units
Single Family Attached **	1,986	126	2,112
Single Family Detached **	9,022	379	9,401
Multifamily **	4,032	8	4,040
Mobile Homes	6	0	6
Total	15,046	513	15,559

\* January 1, 1990 estimates by the State Department of Finance Demographic Research Unit.

\*\* The density range for single family includes both detached (0-5 du/ac) and attached (5-35 du/ac) units. The density range for multi-family units is 5-35 du/ac. Most of the multifamily units in Cupertino will be at the upper end of this range.



## Constraints To The Development Of Housing

### Governmental Constraints

#### LAND USE CONTROLS

Cupertino's land use regulations allow for a significant increase in housing potential above the existing housing stock. While hillside development is low density due to inherent environmental constraints, the neighborhoods, to some extent, and the urban core, to a greater extent, create the potential for approximately 2,500 new units. The potential is created through a variety of strategies, the primary one being density control. The hillside densities consist of three slope density designations: foothill modified, foothill 1/2 acre modified and 5-20 acre. Densities decrease as slope and other environmental constraints increase. The suburban and urban densities consist of Low (1-5), Medium/Low (5-10), Medium/High (10-20), High (20-35 and 35-50), and Mixed Use. High Density development is allowed in the urban core, along major transportation corridors.

A major new land use strategy is to designate traditionally non-residential areas as appropriate for residential and mixed-use development. The rationale for this strategy is that additional housing opportunities are needed to help balance job growth, and that the locations should be near job centers and transportation corridors. Higher density development is appropriate in these areas because it can be buffered from lower density residential, and it provides the opportunity for affordable housing and potential ridership for future transit. The Stevens Creek Boulevard corridor, the Vallco area, and the North De Anza area, allow office/industrial and residential uses. The Bandle Drive and Bubb Road areas also allow these uses; in addition, they will be studied to determine the feasibility of requiring mandatory residential use. Additional residential density increases would be available under the provision of Government Code Section 65915, if the City granted density bonuses and other incentives to the developers of low and moderate income housing.

Further land use restrictions are height, setback and design controls. Hillside regulations restrict development on ridgelines, steep slopes, riparian corridors, and geological hazardous areas. All hillside and neighborhood residential development controls height, setback, lot coverage and the floor area ratio. Urban core residential development protects residential neighborhoods with buffering, setbacks, landscaping, walls, activity limitations and site design requirements.

#### CODES AND ENFORCEMENT

Code enforcement refers to both zoning and building violations, which sometimes overlap as in the case of illegal room additions. The Zoning Ordinance is concerned primarily with illegal structures or uses while the Building Code is concerned with construction violations.

Zoning code enforcement is accomplished on a complaint-response basis. This procedure involves investigation of zoning violations by City staff based upon complaints from neighbors or tenants. When a violation is reported, an on-site investigation is made. If a violation is occurring, a letter is sent to the building owner. Depending on the response, the matter may be referred to the City Attorney.





Cupertino's Building Code is not a serious constraint to residential development. New construction is required to meet Uniform Building Code regulations. However, there is no ongoing systematic enforcement of the Building Codes upon existing dwelling units unless there have been complaints received by the City or the resident is seeking a permit for additional construction. Certain types of room additions would require the applicant to bring the building (or part of it) up to existing codes. Building Code violations should be brought to the attention of new owners through real estate disclosure laws.

## **INFRASTRUCTURE**

The existing public facilities and utilities can accommodate future residential development. However, substantial increases in commercial and industrial densities would affect the circulation system. Whenever commercial and/or industrial development impacts circulation and causes further imbalance in the jobs and housing ratio, mitigation measures will be required as part of the permit approval process.

The City's typical improvement requirements include half-street, curb, gutter and sidewalk. A residential street has a 60-foot right-of-way and measures 40 feet from curb to curb. Water service is available throughout the City. Central sewage is also available, except in the hillsides where alternative methods of sewage disposal are necessary.

## **PERMIT APPROVAL PROCESS**

Development review also affects housing costs. Because of interest rates and inflation, the longer it takes for a development proposal to be approved, the higher the development costs. Prior to beginning residential development in Cupertino, an application must be submitted to the Planning Department. Plans for the construction of an individual single family home may be approved by the Planning Department staff. Other projects may require approval by the Planning Commission and the City Council before applying for a building permit.

The average processing time for projects not approved by staff, is approximately two months from the date of initial application. Large projects generally take longer, particularly if extensive environmental review is required. Cupertino's development review process is similar to many other Peninsula cities.

A survey by the Building Industry Association of Northern California (1991) compared planning a prototype, building, impact and utility fees of numerous cities in the greater Bay Area. The average total fees for projects in 1991 were \$13,763. Cupertino's total was \$20,114. The reason for the higher total is the \$15,750 park fee. In comparing Cupertino's fees to other jurisdictions, the non-park fees are the same or lower than others. The park fee is not a deterrent to providing affordable housing, however. The City Council may waive fees for affordable housing, and fees will automatically be waived in the case of affordable housing provided as mitigation.

The procedure for excusing fees is through the development approval process, whereby the City Council may include fee waiver as a condition of development if affordable units are proposed for the project. In addition, there is priority processing of proposals that include affordable units. Development regulations can also be modified to encourage low and moderate income housing units.





**ARTICLE 34**

Article 34 of the California Constitution requires a positive vote of the electorate in order to allow the construction of low-cost, publicly owned, developed or financed housing. A referendum was submitted to the voters on the Le Beaulieu project for physically handicapped and was approved in November 1982. The need for an Article 34 referendum will be determined on a case by case basis, although a ballot measure need not be site specific and could be a general measure if desired.

**Non-Governmental Constraints****COST OF LAND**

Market constraints significantly affect the cost of housing and are important factors when discussing affordable housing. The cost of land in Cupertino, more than any other factor, constrains the development of affordable housing. A subdivided 10,000 square foot lot in Cupertino is currently valued at approximately \$300,000 (Sisk, 1990).

Because the City is relatively built out, there is not an abundant supply of undeveloped land, a factor which further raises prices. Land prices in Cupertino depend on a number of factors, including: the allowable density and type of residential development suitable for the property, the proximity to the freeway and commercial developments and the quality of nearby existing development.

**COST OF CONSTRUCTION**

Construction costs in Cupertino are comparable to the San Francisco region as a whole. An ongoing survey of construction costs in the San Francisco Bay Area conducted by the Bank of America reveals that materials and labor costs are continually increasing. In July 1983, the per square foot construction cost of a typical, three-bedroom/two-bath, standard quality, single-family home was \$46.73. By July 1987, the per square foot construction cost of an identical home had risen to \$53.67, almost 15% more in four years (Bank of America, 1987).

**AVAILABILITY OF FINANCING**

The cost of borrowing money to finance the construction of housing or to purchase a home has a large impact on the amount of affordably priced housing produced and subsequently purchased in a community. Fluctuating interest rates can eliminate many potential homebuyers from the housing market or render infeasible a housing project which, at lower interest rates, could have been successfully marketed. Rental housing costs are also affected by higher interest rates, since the owner will pass added costs directly to the tenant in the form of higher contract rents.

Financing is generally available to those who can afford the housing payments and have a down payment. Interest rates are not significantly different than other areas in Northern California. Current prevailing interest rates for a conventional single-family mortgage were about 10% to 11% in 1990. (assume 30-year fixed rate loan, 80% loan to value ratio). These rates represent a noticeable decline from the mid-1984 rates of 13% to 14% for comparable loans. There are no mortgage deficient areas in the City.



## Goals, Objectives, Policies And Programs

New policies and programs are proposed to encourage or require improved housing opportunities. State law requires that Cupertino address both identified regional housing needs and the relationship between job creation and housing needs. Housing information shows that a number of factors contribute to a housing shortage in Cupertino. As an employment center, Cupertino provides more jobs than employed residents, resulting in a competition for housing. Housing prices are high and vacancy rates are low, making it particularly difficult for low and moderate income people to find housing. In the past, the housing provided has been largely market rate and even though regulations provide for construction of affordable housing, it has not been built. If additional measures are not taken to provide housing, traffic congestion and air quality will deteriorate due to increasing in-commuting of workers. Employment centers will have difficulty hiring employees, and some Cupertino residents who may need to change their living situation, such as young families or the elderly, will have limited options.

This section outlines Cupertino's objectives, goals, policies and programs over the five-year period. Quantified objectives over the next five-year term (1990-1995) are stated. Programs are linked with potential funding sources and entities responsible for implementation.

A summary follows of the City's quantified objectives over the five year planning period (1990-1995).

**Units Conserved:** (Housing units preserved as rentals because of the City's Conversion Ordinance or through existing programs).

- Approximately 5,900 duplexes, triplexes and apartments can be preserved if no conversions occur. Should conversions occur, a percentage of the units will be dedicated to below market rate households.
- Maintain the 27 units for the handicapped and 20 units in congregate care residences.
- 63 very low and low income households can be assisted through the Section 8 Existing Program and 80 households can be assisted through Project Match or a similar matching service.
- Rehabilitation of 20-30 low income owner units.

SUB-TOTAL: 6,110-6,120 Units Conserved

### **Very Low & Low Income:**

- 140-190 units of subsidized rental housing for a variety of constituent groups by both profit and non-profit developers.
- 20 units could be developed as second units.

SUB-TOTAL: 160-210 New Construction Very Low & Low Income Units.

### **Moderate Income:**

- Approximately 5 family ownership units could be provided by Mortgage Credit Certificates (MCC's).
- 20 family units through mixed use developments.

SUB-TOTAL: 25 Moderate Income Units.

### **Above Moderate Income:**

- 513 units can be constructed in the above moderate income range.

SUB-TOTAL: 513 Above Moderate Income Units.







The City's goals, policies and programs are summarized below.

## Expand The Supply Of Housing

**A** EXPAND THE SUPPLY OF RESIDENTIAL UNITS FOR ALL ECONOMIC SEGMENTS TO ACHIEVE GREATER OPPORTUNITY FOR CURRENT AND FUTURE CUPERTINO EMPLOYEES AND RESIDENTS TO OBTAIN HOUSING.

### POLICIES

#### ■ *Policy 3-1: Housing Potential*

Provide for approximately 1,500 units in the existing non-residential areas.

#### *Strategy*

Prepare specific plans for planning districts where change is proposed and incorporate the allowed number of units in each district into the plan. The "Heart of the City" specific plan will indicate the number of and densities for 500 units. Unit yield is calculated at the upper density range, in conformance with Policy 2-13, Strategy 2, which requires development at the upper limit. Housing sites for the Vallco, North De Anza and Bubb Road Planning District will be designated when Specific Plans are prepared. Allowed average density is approximately 20 units per acre, with actual densities encouraged in the higher range based on site conditions and the surrounding area. Policies 3-26 to 3-43 describe the housing mitigation program required for new office/industrial and residential development. New office/industrial development must provide 16 market rate, 10 price capped and 2 low income units per 100,000 sq. ft. of development. New residential development must provide 10% BMR units. The residential mitigation program would create approximately 150 affordable units, since 10% BMR units are required, and since most projects would occur in these areas. The office/industrial mitigation program, at full build-out, has potential for 527 market rate, 415 moderate and 65 low income units, since most residential projects would occur in these areas. Very low income units are not required for office/industrial mitigation, but could be provided voluntarily and/or with the involvement of a non-profit developer. The affordable units would be located on any of the identified sites, and would be incorporated into the residential project if it were a mixed income development.





### **Policy 3-2: Total Allowed Housing Units**

Allow a total of 2,587 new housing units. The sources of new housing are:

Neighborhoods and hillsides (Appendix A)	1783 units
Planning Districts (Appendix C)	1484 units
<b>Total</b>	<b>3267 units</b>

Since the total units exceed 2,587, the Appendix B sites are guaranteed consideration for development. The 1,484 units shown in Appendix C are a pool, with the total allowed to be built City-wide not to exceed 2,587.

#### **Strategy**

Annually evaluate the approval and construction of housing units to assure that the neighborhood and hillside units are consistent with Appendix B. If units are approved or constructed which are either lower or higher than the projected potential, the Planning District (Appendix C) pool will be adjusted accordingly. Annually monitor the Appendix C units to assure that they do not exceed 1,484 units.

### **Policy 3-3: Promotion of Neighborhood Housing**

Promote development of neighborhood housing potential by providing property owners with information about the development process.

### **Policy 3-4: Density Bonus**

Encourage high density affordable housing with density bonuses.

### **Policy 3-5: Mandatory Residential Locations**

Consider specific locations for mandatory residential or mixed use:

Bandley Drive, in North De Anza Boulevard area  
Bubb Road

Portions of Stevens Creek Boulevard:

North side: between the west boundary of the "Magic Wok" on  
Saich to Stelling  
South side: between the west boundary of Union Church and  
Stelling

Study these areas to determine the feasibility of mandatory residential or mixed use and rezone them if determined feasible.

### **Policy 3-6: Surplus School and Church Site Development**

Consider surplus school and urban church sites for higher density and mixed use housing.

SEE MUNICIPAL  
CODE CHAPTER 19.52



### ■ *Policy 3-7: Additional Study Areas*

Other areas to consider which require more study are:

Stelling between 280 and Stevens Creek  
 Rancho Rinconada near Cupertino High School  
 Monta Vista area near railroad tracks  
 City lands

### ■ *Policy 3-8: Transfer of Development Credit Density Bonus*

Allow a density bonus if a transfer of development credit (TDC) program is adopted which allows transfer of potential residential units from one location to another.

#### *Strategy*

Consider adopting a Transfer of Development Credits (TDC) program.

### ■ *Policy 3-9: Discount Parking Standards*

Discount parking standards for mixed use developments.

### ■ *Policy 3-10: Development Standards*

Set landscaping, open space and setback standards so there are minimum standards that must be met.

### ■ *Policy 3-11: Design Standards*

Set high standards of design for high density/mixed use projects to ensure high quality development and to reduce off-site impacts.

#### *Strategy*

Include specific development standards in the specific plans and zoning ordinances.

SEE USE PERMIT  
 NUMBER 18-U-84

NOTE ALLOWANCE  
 FOR FLEXIBLE  
 RESIDENTIAL  
 STANDARDS  
 SEE POLICY 2-13,  
 STRATEGY 4.







**Policy 3-12: Accessory Housing Units**

Allow accessory housing units on certain lots in single family districts.

SEE MUNICIPAL  
CODE CHAPTER 19.84

**Policy 3-13: Affordable Housing Sites**

Cooperate with the county, private and non-profit housing developers to identify sites for very low, low and moderate income housing.

**Policy 3-14: Creative Finance Methods**

Foster a conducive environment for attracting low and moderate priced housing programs financed by other levels of government. The use of mortgage revenue bond programs will be encouraged. All such developments will meet the City's design and service criteria.

**Policy 3-15: County, State and Federal Programs**

Participate in available county, state and federal programs that promote or provide housing.

**Policy 3-16: HCD Funds**

Continue to make Housing and Community Development (HCD) funds available to developers to help defray costs inherent in meeting or exceeding the requirements for supplying below market rate housing.

**Policy 3-17: HCD Funds Availability**

Make available HCD or general funds for site acquisition for low and very low priced housing. Parcels purchased with HCD or general funds can be made available to private developers or a non-profit housing corporation capable of constructing low and very low priced housing.

**Policy 3-18: Use of City Funds**

Use City funds for programs that help supply affordable rental housing to low and very low income households, particularly senior citizens and disabled individuals who are on a fixed income. The City will contract with a non-profit organization or use other mechanisms to supply this housing. Need will be identified through census and other data. Priority will be given to Cupertino residents.







**■ Policy 3-19: Priority Processing**

Give priority processing to applications that provide very low, low and moderate income housing to reduce development costs associated with time delays.

**■ Policy 3-20: Article 34 Referendum**

Place the issue of affordable housing on the ballot to obtain Article 34 referendum authority should this be necessary to provide for affordable housing.

**■ Policy 3-21: Market Rate to Affordable Rental Units**

Encourage the conversion of existing market rate rental units to affordable rental units.

**■ Policy 3-22: Long-Term Leases**

Encourage long-term leases of property from churches, school districts and corporations for construction of affordable rental units.

**■ Policy 3-23: Priority Placement**

Give first priority in any affordable housing projects to individuals who reside, work, attend school, or have family in Cupertino.

**■ Policy 3-24: Affordable Rent Schedule**

Utilize the City's Affordable Rent Schedule as a guideline in setting rents for new affordable housing.

**■ Policy 3-25: Rent Schedule Update**

Update the rent schedule each year as new income guidelines are received from the state and federal government. Determine a uniform method for allowing rent adjustments for affordable housing projects that are developed.



**Policies 3-26 to 32 apply to Office and Industrial Housing Mitigation**

Apply housing mitigation for office and industrial development to 1.3 million square feet of unbuilt office/R&D space in the existing General Plan and 2.0 million square feet above the current General Plan.

REFER TO "HOUSING  
MITIGATION PLAN"  
FOR DETAILS ON  
POLICIES 3-26  
THROUGH 3-32

**Policy 3-26: Office/Industrial Mitigation**

Mitigate new office/industrial development by providing at least 15% of the nexus study housing demand by creating 28 units per 100,000 square feet of development. The distribution of the units is as follows:

- 16 market rate units
- 10 price capped units
- 2 low income units

The price capped and low income units are considered affordable by federal definition. The price capped units shall be affordable for 10 years and the low income units for 20 years.

**Policy 3-27: Companies' Housing Mitigation Requirement**

Meet a portion of companies' affordable housing mitigation requirement by allowing them to buy and convert existing market rate units within the City or within a two-mile radius of their projects. These units, which would leave the market-rate arena, would be "replaced" with new market rate units, satisfying overall mitigation requirements. If these conversion units are proposed to be located outside Cupertino, the companies, along with the City, will approach ABAG and/or HCD to argue that the City should receive a transfer credit so that such units count toward meeting the City's fair share housing goals. If granted, Cupertino would extend the same consideration to companies developing in adjacent cities. If unable to obtain concurrence from ABAG and/or HCD, such conversations outside the city would not be credited toward satisfying the mitigation requirement.

**Policy 3-28: In-Lieu Fee**

Create an option to pay an in-lieu fee. The in-lieu fee shall be set at \$5 per square foot of building and should be adjusted annually based upon the CPI or another inflator.

**Policy 3-29: Waive Fees**

Waive park fees and construction tax for any affordable units.

**Policy 3-30: Housing Development Bank**

Create a housing development bank allowing office and industrial development without concurrent housing development. The housing development must be completed within one year of the completion of the office and industrial development.





■ **Policy 3-31: Early Public Involvement**

Involve public from the beginning when affordable housing is planned so that there are fewer objections to the project when it goes through the City approval process. Development applications with affordable units will receive priority processing to streamline the process but must still meet legal noticing requirements.

■ **Policy 3-32: Housing on Employment Center Sites**

Locate housing units on employment center sites or in areas that could be designated for higher density housing, such as Bubb Road, Bandley Drive, City Center area, and within 1/4 mile of employment centers.

**Policies 3-33 to 43 apply to Housing Mitigation of Residential Development**

■ **Policy 3-33: Residential Participation in BMR Program**

Require every residential development to participate in the BMR program with the exception of: affordable housing developments, office and industrial developments with other housing mitigation requirements.

■ **Policy 3-34: On-Site BMR Units**

Emphasize on-site development of the BMR units. Second priority would be off-site BMR units located within the City limits. If the developer can show that neither option is economically feasible, then an in-lieu fee may be paid. A standard to measure the economic feasibility of projects shall be developed by staff and reviewed for comments by the Building Industry Association or an equivalent organization prior to review by the Affordable Housing Committee.

■ **Policy 3-35: Land In-Lieu of BMR**

Allow developers to meet all or a portion of their BMR requirement by making land available for the City or a non-profit housing developer to construct affordable housing.

■ **Policy 3-36: 10% BMR Requirement**

Require ten percent (10%) of a residential development to be BMR units.

■ **Policy 3-37: Waive Fees**

Waive park dedication fees for affordable units.

■ **Policy 3-38: 2% In-Lieu Fee**

Assess an in-lieu fee at the rate of 2% for developments of less than seven units. For developments of seven or more units, a comparable BMR unit must be developed unless the developer can prove the development of the

REFER TO "HOUSING  
MITIGATION PLAN"





BMR units is not economically feasible. In such cases, the 2% in-lieu fee would then be applicable to the project. A standard to determine economic feasibility shall be developed. The in-lieu fees shall be collected at the building permit stage and the basis of the fee is to be determined later.

**Policy 3-39: BMR Time Requirement**

Require BMR units to remain affordable for a minimum of 30 years.

**Policy 3-40: Utilization of In-Lieu Fees**

Utilize in-lieu fees the City receives in the following manner (ranked in order of priority):

- a. Finance affordable housing projects in Cupertino.
- b. Establish a down payment assistance plan that may be used in conjunction with the BMR program or to make market rate units more affordable. The assistance should be in the form of low interest loans and not grants.
- c. Establish a rental subsidy program to make market rate units more affordable. In-lieu fees collected from office, industrial and retail development will also be used in this manner.

**Policy 3-41: Finance Strategies**

Investigate and encourage various financing strategies including, but not limited to, the following:

- Local and county bond financing.
- Bank financing of mixed use projects.
- Pension funds as sources of financing.
- Transfer tax for sales of property
- Redevelopment agency reactivation.

**Policy 3-42: Housing Endowment Program**

Create a Housing Endowment Program for the creation of affordable housing units.

**Policy 3-43: Adequate Reserves**

Ensure the long-term viability of affordable housing projects by requiring the developer to provide an adequate reserve for long-term maintenance.



■ ***Policy 3-44: Mobile Homes and Pre-fabricated Homes***

Permit the construction of mobile homes and pre-fabricated houses on permanent foundations, subject to compliance with zoning regulations, building code and other applicable City regulations.

■ ***Policy 3-45: Condominium Conversion***

Conversion of rental forms of multiple family housing to condominiums will not be permitted if the proposal significantly diminishes the present number of rental units within Cupertino or substantially reduces the ratio of ownership-to-rental units in effect at the time of the requested conversion. As a general guide, rental units shall not be converted to single family ownership housing when the rental vacancy rate within the Cupertino Housing Market Area is less than 5% at the time of application and has averaged 5% over the past six months. The vacancy rate will be determined by surveys conducted by the City of Cupertino's Planning Department.

■ ***Policy 3-46: Conversions Remaining Low/Moderate Income***

Prior to approving any condominium conversions, ensure that a significant portion of the converted units remains part of the low and moderate income housing stock.

■ ***Policy 3-47: Structural Upgrading***

Prior to approving any condominium conversions, ensure that the project has been upgraded to eliminate any health and safety hazards and to meet current development standards. The city shall also reasonably demonstrate that comparable replacement rental housing exists within the Cupertino area to accommodate the displaced residents.

■ ***Policy 3-48: Temporary Emergency Shelter***

Work with local organizations to implement a program to provide a temporary emergency shelter that would rotate monthly among local churches.





**PROGRAMS****■ Program 1**

Prepare specific plans for existing non-residential areas which will incorporate residential uses, and include specific development standards.

Responsible Agency: Planning Department  
Funding Source: Property Owners/developers  
Time Frame: Heart of the City, Stevens Creek Blvd: Begin 1993, Complete 1994 (includes West and East Stevens Creek Blvd. and Crossroads)  
Valico: Begin 1994, Complete June 1995  
North De Anza: Begin 1994, Complete June 1995

**■ Program 2**

Annually evaluate Appendix B. If units are approved or constructed which are different from projected potential, adjust Appendix C units. Monitor annually to assure that total units do not exceed 2,587.

Responsible Agency: Planning Department  
Funding Source: Staff Time  
Time Frame: Ongoing

**■ Program 3**

Send a flier to all property owners identified on Appendix B describing the development review process and some of the policies available to them which facilitate development review, such as priority processing, etc.

Responsible Agency: Planning Department  
Funding Source: Staff Time, City Funds  
Time Frame: By January, 1995

**■ Program 4**

Encourage higher density affordable housing with density bonuses..

Responsible Agency: Planning Department  
Funding Source: Staff Time  
Time Frame: Ongoing





**■ Program 5**

Study specific locations to determine the feasibility for mandatory residential or mixed use: Bandle Drive, Bubb Road and portions of Stevens Creek Boulevard.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

**■ Program 6**

Consider surplus school and urban church sites for higher density and mixed use housing.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**■ Program 7**

Consider additional locations for future residential use: Stelling between 280 and Stevens Creek, Rancho Rinconada near Cupertino High School, Monta Vista area near railroad tracks and City lands. Criteria for considering residential uses include: ability of area to accommodate residential uses, particularly higher density housing (med/high 10-20 or high 20-35 du./gr.ac.) such as lot size, compatibility of surrounding area and ability to convert to residential use. Actual unit yield will be determined upon completion of the analysis. Areas determined to be appropriate will be redesignated in the land use plan and rezoned, if necessary.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Begin 1994, Complete June 1995

**■ Program 8**

Consider adopting a Transfer of Development Credits (TDC) program.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1995



**Program 9**

Discount parking standards for mixed use developments.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

**Program 10**

Set minimum landscaping, open space and setback standards for higher density and mixed use programs.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

**Program 11**

Set high design standards for higher density and mixed use projects.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

**Program 12**

Continue Second Unit Ordinance. Provide information regarding opportunities for second units to property owners through public contact and publications. Describe the program in the "Cupertino Scene" and provide a hand-out at the planning counter.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**Program 13**

Work with county, state, federal and private agencies in developing affordable housing. Use HUD funds to finance infrastructure improvements. The City has established a housing fund with CDBG funds, which are distributed by HUD.

Hold biannual City Council hearings to review the progress of agencies receiving CDBG funds and proposals from non-profit agencies to provide housing and housing services. Allocate annual CDBG funds of approximately \$140,000 to housing and housing related services. Meet at least quarterly with other city and council CDBG staff to coordinate funding strategies, including a Housing Trust Fund. Maintain contact with non-profit housing developers to explore possible affordable housing projects.

Development and design standards will be set in conjunction with the Stevens Creek, Vallco and North De Anza Specific Plans, and will accommodate the housing units described in Appendix C.





Responsible Agency: Planning Department  
 Funding Source: Staff Time, HUD  
 Time Frame: Ongoing

#### ■ **Program 14**

Aggressively pursue federal and state funds for the construction of assisted family and elderly rental housing, using federal and/or state subsidies. Continue a proactive approach to affordable housing development by directly contacting non-profit developers to develop in Cupertino, meeting with large land holders to encourage the sale of property for use in constructing affordable housing. Continue to offer incentives, such as fast tracking and development funds (CDBG and BMR In-Lieu Fees). Establish a goal to review funding proposals from three non-profit developers a year. Meet with four property owners or their agents a year.

Responsible Agency: Planning Department  
 Funding Source: Community Development Block Grant Program, HOME Program and other funding sources as they become available  
 Time Frame: 1990-95

#### ■ **Program 15**

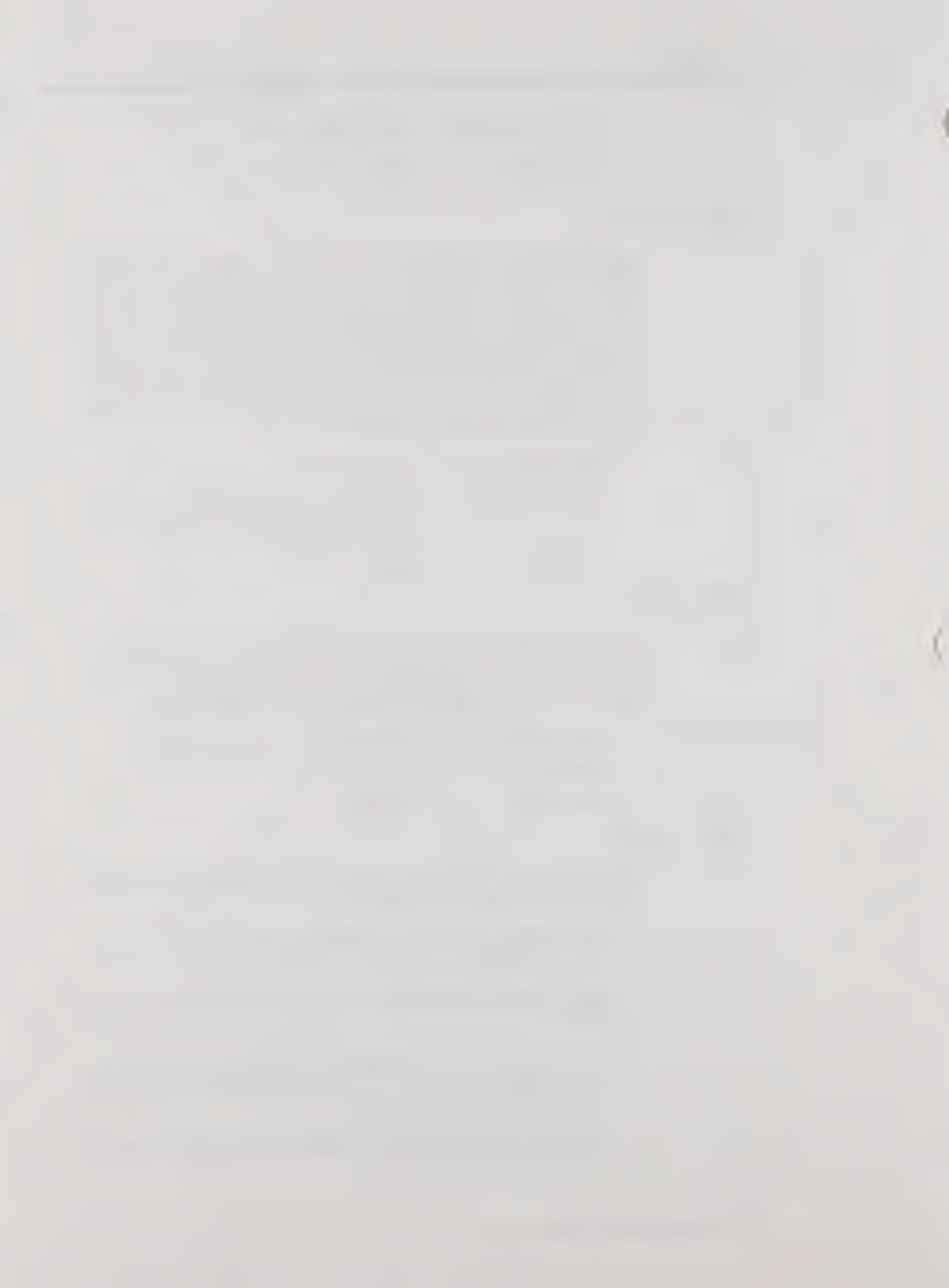
Continue participation in Section 8 (existing) to assist very low and low income families and elderly households. Continue to accept Section 8 certificates and vouchers provided by the Housing Authority. Sponsor a workshop for Cupertino landlords to encourage Section 8 participation.

Responsible Agency: Santa Clara County Housing Authority  
 Funding Source: Section 8  
 Time Frame: Ongoing

#### ■ **Program 16**

Develop rental and affordable ownership housing opportunities through the following combination of programs:

- Continue priority processing of developments that have low and moderate income units;
- Identify the most suitable sites and determine the availability of surplus school sites;
- Excuse all or a portion of development fees for projects that include low and moderate income units, if there would be no effect on the health, safety and welfare of the community;
- Develop additional methods for providing funding and housing units such as revenue bond financing;



- Use City funds to assist a non-profit organization to develop rental units for low and very low income households. Several funding sources are currently being considered. After a funding source is established, the City will issue a Request For Proposals to appropriate non-profit organizations which would be responsible for designing, implementing and managing the housing.

Responsible Agency: Planning Department/Housing and Services Coordinator

Funding Source: CDBG, developers of mixed use sites, Staff Time

Time Frame: Ongoing

#### ■ *Program 17*

Determine the necessity of an Article 34 Referendum. Consider holding a general election to cover the maximum number of affordable housing units expected over a multi-year period.

Responsible Agency: Staff Reports to City Manager

Funding Source: City Funds

Time Frame: As Needed

#### ■ *Program 18*

Participate in Mortgage Credit Certificate programs to provide ownership housing for moderate income households.

Responsible Agency: City continues to participate with the County

Funding Source: Bond Sales, Staff Time

Time Frame: Ongoing

#### ■ *Program 19*

Continue to support matching services for low income elderly households. Annually evaluate the effectiveness of senior matching services.

Responsible Agency: Planning Department/Housing and Services Coordinator

Funding Source: Staff Time, CDBG

Time Frame: Ongoing





**■ Program 20**

Encourage the conversion of existing market rate units to affordable rental units by continuing to offer BMR in-lieu fees to assist in rental subsidies. Continue to allow Office and Industrial developers to meet their housing mitigation requirements by converting market rate units to affordable units and replacing the "old market rate units" with new market rate units.

Responsible Agency: Planning Department

Funding Source: Below Market Rate (BMR) In-Lieu Fees, Staff Time

Time Frame: Ongoing

**■ Program 21**

Convene local churches, service organizations and school districts to encourage their participation in the development of Affordable Housing policy. Request churches, school districts and corporations to either offer excess land (in the form of a sale or long term lease) to the City or a non-profit developer for construction of affordable rental units.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1994-95

**■ Program 22**

Give first priority for affordable units to people who live, work or have family in Cupertino.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**■ Program 23**

Utilize the City's Affordable Rent Schedule in setting affordable rents and update annually.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing



**Program 24**

Adopt an ordinance to require housing mitigation procedures for new office/industrial and residential development.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: 1993

**Program 25**

Offer technical assistance to developers by having City staff explore various financing strategies for developments. Financing strategies include:

- Local and county bond financing.
- Bank financing of mixed-use projects.
- Pension funds as sources for construction financing.
- State of California's BEGIN Program.

Program 25 shall also be used in conjunction with Policy 3-3 and Program 3.

Aggressively pursue funding for rental payment assistance programs, gap financing for new construction and financing for employer assisted housing programs. Furthermore, staff will continue to support non-profits in their application for tax credits by agreeing to be the local review agency and waiving the payment offered to the City for its participation. Hold an annual workshop, in conjunction with the Affordable Housing Committee, for developers and banks to highlight programs and incentives offered by the Community Development Department. Produce a handout for the workshop that may also be displayed at the Building Division and Planning Division counters.

Responsible Agency: Planning Department

Funding Source: Below Market Rate (BMR) In-Lieu Fees,  
Staff Time

Time Frame: 1994-95

**Program 26**

Create a Housing Endowment Program for affordable housing.

Responsible Agency: Planning Department

Funding Source: Staff Time, CDBG

Time Frame: 1995





**■ Program 27**

Require developers of affordable housing to provide a reserve for maintenance.

Responsible Agency: Planning Department  
Funding Source: Staff Time, Project sponsor  
Time Frame: Ongoing

**■ Program 28**

Develop an educational program for the public about affordable housing.

Responsible Agency: Planning Department  
Funding Source: Staff Time  
Time Frame: 1994

**■ Program 29**

Ensure that developers meet with neighborhood groups prior to and during development of affordable housing projects.

Responsible Agency: Planning Department  
Funding Source: Staff Time  
Time Frame: Ongoing

**■ Program 30**

Form a housing advocacy group to educate residents about affordable housing needs and benefits.

Responsible Agency: Planning Department  
Funding Source: Staff Time  
Time Frame: 1994

**■ Program 31**

Continue to support a program to provide a temporary emergency shelter that would rotate monthly among local churches.

Responsible Agency: Planning Department  
Funding Source: Staff Time  
Time Frame: Ongoing



## Preserve And Enhance Neighborhoods

**B** ESTABLISH AND ENFORCE EFFECTIVE GUIDELINES AND REGULATIONS FOR THE CONSTRUCTION OF SAFE, QUALITY HOUSING, AND FOR THE MAINTENANCE AND IMPROVEMENT OF EXISTING HOUSING.



### POLICIES

#### ■ *Policy 3-49: Maintenance of Public Property*

Continue the high quality maintenance of public streets, rights of way and recreational areas. Continue the semi-annual trash pickup program throughout the City and encourage its implementation in the unincorporated area within the City's Sphere of Influence.

#### ■ *Policy 3-50: Code Enforcement Efforts*

Continue current code enforcement efforts within the corporate limits and encourage the Santa Clara County Board of Supervisors to increase code enforcement in county islands and land within the City's Sphere of Influence.

#### ■ *Policy 3-51: Neighborhood Cooperation*

Support local neighborhood improvement districts and homeowner associations. In upgrading residential property, a neighborhood approach should be used, allowing as much local participation as possible. The approach should be service oriented, offering services such as incentives for rehabilitation.

#### ■ *Policy 3-52: Residential Property Maintenance*

Encourage citizens to continue to maintain existing residential properties in a manner which enhances the character of Cupertino.

#### ■ *Policy 3-53: Code Inspection Program*

Continue to offer a presale code inspection program for residential structures.

#### ■ *Policy 3-54: Housing Rehabilitation Loan Program*

Continue participation in the Housing Rehabilitation Loan Program financed through the Urban County Housing and Community Development Block Grant Program. The Rehabilitation Program provides low-interest rate loans and small grants to very low and low income households to correct building code violations and to correct housing deficiencies. The program is targeted for owner-occupied units.





■ ***Policy 3-55: Expansion of Rehabilitation Activities***

Investigate and pursue other federal, state and county funded programs available for expansion of rehabilitation activities.

■ ***Policy 3-56: Substandard Housing Rehabilitation***

Encourage the upgrading and rehabilitation of substandard housing within the City's Sphere of Influence.

■ ***Policy 3-57: Loan Programs***

Provide information on loan programs. Periodic features in the local media will be encouraged.

■ ***Policy 3-58: Energy Conservation Techniques***

Actively promote energy conservation techniques and energy efficiency in building design, orientation and construction. The relationship between energy conservation and its impact on housing costs should be explored to ensure that any selected program does not reduce the supply of affordable housing.

■ ***Policy 3-59: Solar Energy***

Re-examine the residential zoning ordinance to ensure that limitations regarding mechanical apparatus do not unduly inhibit solar energy use.

■ ***Policy 3-60: Energy Conservation Programs***

Investigate and pursue information regarding energy conservation programs or policies that are being implemented by other California cities.

**PROGRAMS**

■ ***Program 32***

Conserve low income handicapped units and units in congregate care residences. This will be accomplished by maintaining the rent of the handicapped units at rates affordable to low income persons.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing



**Program 33**

Continue code enforcement and maintenance of public areas.

Responsible Agency: Planning/Public Works Departments

Funding Source: City Funds

Time Frame: Ongoing

**Program 34**

Provide low interest rate loans or grants to very low and low income households to correct building code violations and housing deficiencies per the City's Rehabilitation Guidelines. The program is targeted at owner-occupied units. If sufficient funds are available, loans will be made to rehabilitate rental units.

Responsible Agency: Planning Department

Funding Source: CDBG

Time Frame: Ongoing

**Program 35**

Continue the Condominium Conversion Ordinance to preserve the existing supply of affordable rentals.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing

**Program 36**

Provide information on loan programs through the Rehabilitation Program.

Responsible Agency: Planning Department

Funding Source: CDBG

Time Frame: Ongoing

**Program 37**

Review existing City ordinances and energy programs from other jurisdictions. Develop energy policies, if necessary. Ensure that housing costs are not affected.

Responsible Agency: Planning Staff

Funding Source: City Funds

Time Frame: Ongoing





### ■ *Program 38*

Offer pre-sale code inspections on request.

Responsible Agency: Building Department Staff

Funding Source: Applicant Fees

Time Frame: Ongoing

### ■ *Program 39*

Investigate and pursue other federal, state and county funded programs available for expansion of rehabilitation activities.

Responsible Agency: Planning Staff

Funding Source: Staff Time, CDBG

Time Frame: Ongoing

## Promote Housing Accessibility

**C** ESTABLISH A COMMUNITY IN WHICH ALL PEOPLE, REGARDLESS OF THEIR ETHNIC, RACIAL, RELIGIOUS BACKGROUND, INCOME, MARITAL STATUS, SEX, AGE OR PHYSICAL HANDICAP HAVE AN EQUAL OPPORTUNITY TO OBTAIN HOUSING. PROMOTE THE EQUITABLE SOLUTION OF SOCIAL AND TECHNICAL PROBLEMS CONCERNING PROPERTY OWNERS AND RESIDENTS.

### POLICIES

#### ■ *Policy 3-61: Discrimination*

Support efforts of organizations which are working toward eliminating discrimination in the Cupertino area.

#### ■ *Policy 3-62: Voluntary Mediation Board*

Refer landlord/tenant complaints to a voluntary mediation board established by the City and operated by Project Sentinel.

### PROGRAMS

#### ■ *Program 40*

Refer individuals experiencing housing discrimination to the Midpeninsula Citizens for Fair Housing or other such organizations.

Responsible Agency: Planning Department

Funding Source: Staff Time

Time Frame: Ongoing





**Program 41**

Refer landlord/tenant complaints to a mediation board established by the City and operated by Project Sentinel.

Responsible Agency: Planning Department  
 Funding Source: Staff Time, Service Agency  
 Time Frame: Ongoing

**Program 42**

Continue to support fair housing services through the Santa Clara County CDBG Program.

Responsible Agency: Santa Clara County  
 Funding Source: CDBG (County)  
 Time Frame: Ongoing

## Evaluation Of 1990 Housing Element

Government Code Section 65588 requires that the housing element evaluate:

1. The appropriateness of the goals, objectives and policies in contributing to the state housing goal;
2. The effectiveness of the housing element in attainment of Cupertino's housing goals and objectives; and
3. The progress of the city in implementation of the 1990 Housing Element.

Below are each of the housing goals and programs from the 1990 Housing Element followed by a discussion of actions taken since 1990 to implement each program. The programs are listed in the same order as they appear in the 1990 Housing Element.

### EXPAND HOUSING SUPPLY

**Program 1.** Provide information regarding rezoning of commercial and industrial lands to residential for owners of these lands.

**Discussion:** Since there are very few remaining large vacant commercial sites in Cupertino, the City has limited opportunities to encourage rezoning of commercial and industrial lands to residential use. However, several sites are suitable for mixed use projects because they are located in established commercial areas (refer to Program 8 below). The program will be strengthened by allowing residential uses in office, industrial and commercial areas.

**Program 2.** Work with county, state, federal and private agencies active in developing affordable housing. Use HUD funds to finance infrastructure improvements.





**Discussion:** The City continues to work with county, state, federal and private agencies in developing affordable housing. In addition, City staff has been encouraging non-profit agencies to apply for funds to develop affordable housing in Cupertino. During the past five years, four projects were implemented in the City, which involved converting existing market rate units to 20 affordable rental units. Below is a summary of each project.

Developer/Funding	No. of Units	No. of Residents	Project
Innovative Housing Building Industry Association	Group Home	5 single parents, 6 children	Rehabilitated the Simms house, a 2,400 sq. ft. house on recently acquired City parkland.
Cupertino General Fund	1	2 single parents, 3 children	Acquired a below market rate condominium.

In addition to the above projects, there are plans approved for 10 units of affordable senior apartments at the True Value Hardware site in Monta Vista, and four apartments, three of which are to be affordable, as part of a 6-unit condominium project. Funding has been obtained for three group homes in Cupertino which will be sponsored by Innovative Housing. Funding (\$3,000) was provided to Innovative Housing to lease a house and screen and place three low income single parent families, and one individual who pay reduced rent.

The City funded \$4,000 for Project Match to provide shared housing opportunities for eight people.

City staff meets regularly with representatives from other cities and the County to access funds for affordable housing projects, and has met with several non-profit and for-profit developers as well. Non-profit developers are likely to apply directly for federal funds for projects in Cupertino.

**Program 3.** Construct 140 - 190 units of assisted family and elderly rental housing using federal or state subsidies if available. Develop family and elderly units in proportion to the needs identified.

**Discussion:** No new units were constructed in the two year period. Two affordable housing projects serving seniors, while constructed previously, receive yearly funding from the City. These two projects serve 26 people in 18 units:

Community Housing Developers  
Acquisition of two four-plexes  
16 seniors

Chateau Cupertino  
Funding goes toward screening and support services for 10 seniors in affordable apartments.

Other affordable senior housing units have been approved by the City, as discussed in Program 2.



No new assisted family units were developed because of lack of federal subsidies and the high cost of land in Cupertino, and limited City staff time devoted to housing. No proposals for Community Development Block Grant (CDBG) funds, which average approximately \$150,000 per year, were received in the two-year period. The City placed greater emphasis on general affordability, not just to seniors, as demonstrated by the creation of the Affordable Housing Committee.

During the past years, the City has consolidated the housing duties under a full-time Planner II to assist in the development and implementation of the City's housing program. A more proactive approach has been possible. The Planner II is responsible for meeting with local developers and other individuals to encourage development of additional housing units.

As commercial or industrial developments are planned, the City's Planning Department has been encouraging housing units as part of mixed use developments and will continue to do so in the future. These units are more likely to occur in the future given the new housing policies land uses.

**Program 4.** Continue participation in Section 8 (existing) to assist 20 very low and low income families and elderly households.

**Discussion:** The Santa Clara County Housing Authority administers the HUD Section 8 Program in Cupertino. The Section 8 program pays the difference between the rent an individual can afford to pay and the actual rent of the unit they occupy.

There are currently (February 11, 1993) 61 Section 8 certificates and 8 Section eight vouchers issued to Cupertino residents. There are 120 Cupertino families on the waiting list for the Section 8 program.

The majority of federally subsidized units in Cupertino are located in the Sunny View West Home which contains 100 HUD-subsidized rental housing units for elderly and disabled residents. It is located at Foothill Boulevard and Cupertino Road. The 61 Section 8 units are scattered throughout the City.

A problem in the past has been that Fair Market Rents paid through the Section 8 program were not high enough to be attractive to landlords. Currently, Section 8 rents are more competitive and this program might be strengthened in Cupertino through a workshop for landlords.

**Program 5.** Develop rental and affordable ownership housing opportunities through the following combination of programs:

- Continue priority processing of developments that have low and moderate income units;
- Identify the most suitable sites as shown in Figure 3-M and determine the availability of surplus school sites;
- Excuse a portion of, or all development fees of projects that include low and moderate income units, if there would be no effect on the health, safety and welfare of the community by this action.





- Develop additional methods for providing funding and housing units such as revenue bond financing, housing mitigation fees, or inclusionary zoning requirements. Require mandatory programs to ensure developer participation.
- Adopt a method, during 1986, to implement density bonus increases according to Section 65915 of the Government Code;
- Use City funds to assist a non-profit organization to develop rental units for low and very low income households. Several funding sources are currently being considered. After a funding source is established, the City will issue a Request For Proposals to appropriate non-profit organizations, which would be responsible for designing, implementing, and managing the housing.

**Discussion:** Priority processing - The Planning Department continues to give priority to processing projects which include low and moderate income units. Cupertino's application schedule is designed to expedite the hearing process. The time period between submitting an application and appearing before the Planning Commission is only one and one-half months. This is the minimum time needed for environmental review, legal noticing, and architectural review, if required. This program is effective and should be continued at its present level.

**Identify sites** - The City prepared a list and map of 92 sites with residential development potential (refer to Appendix B). An additional map identifies areas and amounts of housing allowed in non-residential areas.

**Waive development fees** - In the past, development fees were waived for projects which either provided BMR units or in lieu fees. Since the BMR program was dropped, City staff has considered and investigated several new programs to provide incentives for encouraging affordable housing, including a fee waiver system. A specific program will be designed as a product of the General Plan review which is expected to conclude in 1993.

The City has entered into cooperative agreements with the County for the issuance of Mortgage Credit Certificates (MCCs). Since 1990, a total of 19 MCCs have been issued in Cupertino.

Through the use of an MCC, eligible first-time home buyers increase their eligibility to qualify for a mortgage loan and reduce their effective mortgage interest rate approximately 2 percentage points. MCC recipients may take 20% of their annual mortgage interest payments as a dollar for dollar tax credit against their federal income taxes. The home buyer adjusts federal income tax withholdings, increasing income available to pay for the mortgage. As home prices increase in Cupertino, they may exceed the limits of the MCC program and fewer certificates may be issued. Therefore, additional programs will be needed to serve this need.

**Density bonuses** - The City has adopted a density bonus ordinance.

**Use of City funds** - In 1986 the City created the Seniors and Handicapped Housing Fund for the purpose of promoting the development of affordable housing for seniors and disabled persons. The initial source of funding was in-lieu fees from the City's former Below-Market Rate (BMR) Program. The City has also made allocations of CDBG funds to the Seniors and Handicapped Housing Fund over the past two years. The sources of income for the fund at present are rent from a City-owned condominium, interest from a Spark Foundation loan, investment interest and annual CDBG allocations. Awards of \$20,000



annually were granted to Cupertino Community Services to administer a Rotating Shelter Program and to provide screening and placement services for affordable senior units.

In 1989, the City approved policies by which agencies would be encouraged to leverage City funds with other sources of funds, so that more people could be served with the limited funds available, and to give smaller loans for housing projects with loan payback terms that will allow the building of a revolving loan fund for housing. The Affordable Housing Committee was established to review proposals for affordable housing projects to be funded from the Seniors and Handicapped Housing Fund. The committee meets monthly and is attempting to finance a greater variety of projects and to use the fund to leverage other sources of financing. This program has been effective in generating and applying funding. Current programs may deplete existing funding, so additional sources of revenue should be investigated.

**Program 6.** Determine the necessity of an Article 34 Referendum.

**Discussion:** Article 34 of the California Constitution requires a positive vote of the electorate in order to allow the construction of low cost publicly owned, developed, or financed housing. The need for an Article 34 referendum is determined on a case by case basis. The City could consider holding an Article 34 election to cover the maximum number of affordable housing units expected to be developed over a multi-year period.

**Program 7.** Participate in Mortgage Credit Certificate programs to provide ownership housing for moderate income households.

**Discussion:** As discussed above under Program 5, the City has entered into a cooperative agreement with the County for the issuance of MCCs. Nineteen MCCs were issued in the last two years.

**Program 8.** Encourage mixed use development through the City's land use policies. Analyze all proposed residential and non-residential developments for potential mixed use. Consider appropriateness based on surrounding area and access to transportation and services. Develop methods for determining appropriate shared parking arrangements for mixed use developments. Develop a policy on the ratio of retail/office development to housing to encourage more housing units. The City regulates non-residential development through floor area ratios (FARs). However, since housing constructed in conjunction with non-residential development is excluded from the FAR calculation, a developer is thereby encouraged to provide housing in areas otherwise reserved for non-residential growth.

**Discussion:** The City continues to encourage mixed use projects which incorporate residential uses within commercial projects. The Planning Department has been discussing with developers the City's desire to add residential units as part of other mixed use sites and commercial developments. A number of mixed use projects have been developed during the past five years. In addition, the City has approved a private project which includes a new building with retail and office uses on the first floor and 10 apartment units on the second floor. This is an effective way to create new housing in an area not identified for housing. This program will be strengthened with the identification of non-residential areas for mixed use housing, and the preparation of specific plans which will provide more detail on their location, density and design.

**Program 9.** Review vacant lands for potential rezoning, including rezoning non-residential land to residential uses and increasing the permitted intensity of residentially zoned par-





cells. Identify areas and parcels appropriate for rezoning to allow residential uses, particularly mixed use and increased densities.

**Discussion:** Since there are very few remaining large vacant commercial sites in Cupertino, the City has limited opportunities to encourage rezoning of commercial and industrial lands to residential use. However, several sites are suitable for mixed use projects because they are located in established commercial areas. For example, Town Center is a mixed use project which has 158 townhouses and 373 apartments (including 169 senior apartments). The density of a small residential subdivision was increased in one case. This program has been implemented on a case-by-case basis, rather than every three years. It will be strengthened by implementing the policy to consider mandatory residential uses in certain areas.

**Program 10.** Continue Second Unit Ordinance. Provide information regarding opportunities for second units to property owners through public contact and publications.

**Discussion:** During the past two years, there have been only two requests for approval of second units, both of which was approved. Due to the lack of requests for approval of second units, the quantified objective were not met. This program could be more effective and could be strengthened by promoting second units through public contact and publications. Allowing second units in zoning districts other than single family could be considered. Determining alternate forms of financing is not a likely activity.

**Program 11.** Continue to support matching services for low income elderly households. Annually evaluate the effectiveness of senior matching services.

**Discussion:** The City has continued to support Project Match with CDBG funds. Project Match helps senior citizens who wish to share housing. The City annually evaluates the feasibility of continuing to contract with Project Match.

**Program 12.** Continue to use CDBG funds to reduce costs in supplying below market rate housing. The City has established a citizen housing fund with CDBG monies.

**Discussion:** The City is in its 19th year (1992-93) of receiving Community Development Block Grant (CDBG) funding. The city currently receives approximately \$142,000 of CDBG discretionary funds and \$15,000 of CDBG administrative funds each year. In addition, funds are also available at the County level for CDBG competitive funds.

HUD regulations require that projects selected for funding must benefit very low and low income persons, eliminate a blighted area or address an urgent (emergency) community need. In addition, only certain types of activities qualify, including property acquisition, public improvements, public services, affordable housing, housing rehabilitation and removal of barriers to the handicapped.

As discussed above under Program 5, the City created the Seniors and Handicapped Housing Fund in 1986 to assist in financing the development of rental housing units for low and moderate income senior citizens and disabled persons. On November 5, 1990, the City Council expanded the fund description to include all affordable housing development for very low and low income persons or families. Approximately \$450,000 is now available in this fund for below-market rate loans to non-profit agencies. Affordable Housing Fund applications for funding are accepted throughout the year.



Because this program has been successful in working with non-profit agencies to develop affordable housing units, other revenue sources for the fund should be developed. The City also expanded the scope of the housing fund and its oversight committee to encompass all affordable housing projects, rather than limiting it to housing just for seniors and the disabled.

**Program 13.** Work with local organizations to implement a program to provide a temporary emergency shelter that would rotate monthly among local churches. Amend the BQ zoning district to allow emergency shelters as conditional uses.

**Discussion:** The City worked with the churches to provide a temporary shelter program, and one is established. The shelter rotates among approximately 15 local churches and serves 37 guests. The BQ zone allows emergency shelters as permitted uses.

## Preserve And Enhance Existing Housing

**Program 14.** Conserve low income handicapped units and units in congregate care residences. This will be accomplished by maintaining the rent of the handicapped units at rates affordable to low income persons.

**Discussion:** The low income handicapped units in the Le Beaulieu development, which is owned by a non-profit developer, are being conserved, so this program is effective.

**Program 15.** Continue code enforcement and maintenance of public areas.

**Discussion:** The City continues to have an active code enforcement program through the Planning Department and Building Department. In addition, two code enforcement officers work out of the City Manager's office. The program encourages the conservation of housing stock. The building department enforces the Uniform Building Code through regular inspections and investigation of complaints regarding code violations. The code enforcement officers enforce zoning and permit regulations which assure that residences are maintained according to code and approved plans. In 1991 and 1992 code enforcement officers responded to 205 cases involving violations in these areas. This program is effective in conserving housing stock and should be continued.

**Program 16.** Provide low interest rate loans or grants to very low and low income households per year to correct building code violations and housing deficiencies per the City's Rehabilitation Guidelines. The program is targeted at owner-occupied units. If sufficient funds are available, loans will be made to rehabilitate rental units.

**Discussion:** Since 1976 the City has been offering low-interest loans to residents of low and moderate income to repair/rehabilitate their homes. In October 1988, the City approved changes in loan terms to bring in a greater amount of income from new rehabilitation loans by requiring payments that are affordable based upon the loan recipients' incomes. The loan committee has reserved the option of reducing the interest rate or amount of the payments in hardship cases. Although most loans have been provided in the Rancho Rinconada area, outreach efforts were expanded to the incorporated areas of the City after the earthquake on October 17, 1989.





Since these changes were made, there has been a steady increase in the amount of income generated from loan payments. The program currently brings in enough income to be self-perpetuating, without additional CDBG funds.

During the past two years, a total of 10 rehabilitation loans were issued for owner-occupied homes. The outstanding loan portfolio contains 31 payment bearing loans and 14 deferred loans, with a total outstanding loan balance of approximately \$800,000. Because of the large number of loan pay-offs in recent years and the increased program income from loan payments, the program currently has \$180,000 available for new loans. The City did not provide funds to rehabilitate rental units. This is an effective program and should be continued.

**Program 17.** Continue the Condominium Conversion Ordinance to preserve the existing supply of affordable rentals.

**Discussion:** The City's Condominium Conversion Ordinance remains in effect. During the past two years, no apartment units have been converted to condominiums. This program is effective in conserving rental units and should be continued.

**Program 18.** Provide information on loan programs and fix-up techniques through the Rehabilitation Program.

**Discussion:** The City does considerable promotion of the rehabilitation program. The program is promoted through the distribution of flyers, door-to-door canvassing and the City newsletter. Providing information on fix-up techniques is being de-emphasized because the homeowner can get this information from other sources.

**Program 19.** Review existing City ordinances and energy programs from other jurisdictions. Develop energy policies, if necessary. Ensure that housing costs are not affected.

**Discussion:** The General Plan provides information on conserving energy in home construction. Energy Commission districts must have both gas and electric sources available for clothes dryers.

**Program 20.** Offer pre-sale code inspections.

**Discussion:** The City no longer offers pre-sale code inspections due to liability problems.

**Program 21.** Continue the City's Energy Commission's activities.

**Discussion:** The City's Energy Commission was active during 1991 but was discontinued as of January 1992.

**Program 22.** Investigate and pursue other federal, state, and county funded programs available for expansion of rehabilitation activities.

**Discussion:** City staff has attended workshops regarding other federal, state and county funded programs available for expansion of the rehabilitation activities. Primarily because many of the other programs are directed toward declining neighborhoods, the City has been unable to identify any additional funding sources for the rehabilitation program. Since the earthquake in October 1989, the Santa Clara County sponsors rehabilitation loans through the California Disaster Assistance Program (CALDAP) and Cupertino residents are referred



to this program. The City also refers residents to the County for the 312 Rehabilitation Loan Program and other programs that may be developed.

### PROMOTE HOUSING ACCESSIBILITY

**Program 23.** Refer individuals experiencing discrimination to the Midpeninsula Citizens for Fair Housing or other such organizations.

**Discussion:** The City has used the services of the Midpeninsula Citizens for Fair Housing (MCFH) for several years. The organization provides counseling and follow-up investigation to victims of housing discrimination. The program is currently funded as part of a fair housing consortium through the Santa Clara County CDBG program and its service level will need to be addressed by the County.

**Program 24.** Refer landlord/tenant complaints to a mediation board established by the City and conducted by Operation Sentinel.

**Discussion:** The City provides a \$19,650 grant from the general fund for services to tenants and landlords including counseling about their rights and obligations, dispute resolution through mediation and information and referral. From July 1991 through June 1992 Project Sentinel received 811 calls which resulted in 67 cases, 20 conciliations, and 3 mediations. Program effectiveness is evaluated annually.

**Program 25.** Continue to support the fair housing services through the Santa Clara County CDBG program.

**Discussion:** Midpeninsula Citizens for Fair Housing (MCFH) investigates cases of discrimination against persons seeking housing, and is funded through County CDBG funds. During a two year period, MCFH responded to 35 complaints and investigated 15 cases from Cupertino residents.

### CONCLUSION

The 1990 Housing Element projected construction of a total of 513 housing units between 1990 and 1995. The actual new construction between 1990 and 1992 was a net of 164 units. (Includes annexations and demolitions.) If the remaining three years produce units at this same rate, the projected 513 units will not be reached.

The City made loans for 10 rehabilitation projects. The 1990 Housing Element included a quantified objective to rehabilitate 20 - 30 low income owner-occupied units. The 5-year objective of this program may be met at this rate.

The goals and policies in the 1990 Housing Element need to be supplemented to attain the state housing goal. The disproportionately higher rents in Cupertino and the lack of adequate federal subsidies have resulted in the need for affordable housing far exceeding the supply. Reduced federal subsidies and the lack of other sources of revenue for housing have hampered efforts in meeting the City's share of regional housing need. In addition, there are not enough sites to accommodate the total regional housing needs, including market rate housing. The new General Plan includes new policies and programs to address both affordable and market rate needs.





## Consistency With Other General Plan Elements

Government Section 65300.5 requires that the general plan and its elements comprise an integrated, internally consistent and compatible statement of policies of the City. The other elements of the General Plan are being revised in conjunction with the preparation of the revised Housing Element. In particular, revisions will be required to the Land Use Element.

## Description Of Public Participation Efforts

The Housing Element amendments were subject to two years of public hearings by the Planning Commission and City Council. Opportunities for public participation occurred at every hearing. In addition, the Affordable Housing Committee held open meetings monthly to discuss the Housing Mitigation Program and other affordable housing issues. A subcommittee of that Committee also met with community representatives to forge a mitigation program that would meet divergent needs.



## Appendix A: Sites for Housing Development Map

Contact the City of Cupertino, Community Development Department, to review full scale map.

## Appendix B: Description of Sites for Housing Development

The total potential for each property is based on the maximum General Plan allowed, and is an estimate only. Actual density yield could be different due to zoning and specific site conditions.

Map Code	Location	Exist DU	To Be Built	Total Potential	Status	Type	Zoning	Acres
1	Bollinger with term.	1	8	9	SV	SFD	R1-6	1.85
2	McClellan near Stelling	5	17	22	SV	SFD	R1-10	4.53
3	Stelling and Jollyman	1	1	2	SV	SFD	R1-6	0.48
4	Phil Lane	1	7	8	SV	SFD	R1-6	1.69
5	Phil Lane	1	4	5	SV	SFD	R1-6	1.11
7	Blaney and Pacifica	0	1	1	V	SFD	R1-7.5	0.2
8	Blaney and Rodriques	1	8	9	SV	SFA	R1-7.5	1.94
9	Blaney and Rodriques & Clifford	1	8	9	SV	SFA	R1-7.5	1.94
11	Rodriques near Blaney	1	10	11	SV	SFD	R1-10	1.17
12	SCB near DeAnza	0	60	60	V	SFA	P(RES)	1.67
13	Bollinger & DeAnza	3	2	5	SV	MU	R-3	0.4
14	Poppy near Rainbow	1	5	6	SV	SFA	R1-6	1.28
15	Rainbow near De Anza Blvd.	14	24	38	SV	MU	P(R3)	1.92
16	Stelling near 7 Springs	1	5	6	SV	SFD	R1-6	1.2
17	Stelling & 7 Springs Pkwy	2	8	10	SV	SFD	R1-6	2
18	Stelling near Robindel	3	5	8	SV	SFD	R1-6	1.61
19	Gardenside & Kingsbury	1	4	5	SV	SFA	R1-6	0.66
20	Cleo & Gardenside	7	12	19	SV	MU	P(R3)	0.96
21	Cleo & Gardenside	1	4	5	SV	MU	P(R3)	0.28
22	McClellan near Stelling	4	3	7	SV	SFD	R1-10	1.54
23	Stelling & Fairwoods	7	6	13	SV	SFD	R1-10	5.2
24	Stelling near SCB	6	28	34	SV	SFA	P	1.74
25	280 & Portal	0	3	3	V	SFD	A1-43	1.26
26	Rainbow & Stelling	3	2	5	SV	SFD	R1-6	1.92
27	Stelling near Orion	1	5	6	SV	SFD	R1-6	1.25
28	Orion & Orion Pl.	1	1	2	SV	SFD	R1-6	0.41
29	Orion Lane Terminus	1	10	11	SV	SFD	R1-6	2.28
30	Festival & Creekline	1	9	10	SV	SFD	A	2.13
31	Route 85 & Stelling	1	4	5	SV	SFD	R1-6	1.03
32	Santa Clara/Empire/Univ.	0	5	5	V	SFD	P(RES)	0.69
33	Ainsworth near Varlan	1	3	4	SV	SFD	R1-10	0.58
34	Crescent & Cup. Rd.	1	5	6	SV	SFD	R1-10	1.35
35	Hillcrest & Crescent	0	1	1	V	SFD	R1-10	0.23
36	Hillcrest	0	1	1	SV	SFD	R1-10	0.23
37	Hillcrest Terminus	0	6	6	SV	SFD	R1-10	1.21
38	Crescent near Cup.	1	2	3	SV	SFD	R1-10	0.72





Map Code	Location	Exist DU	To Be Built	Total Potential	Status	Type	Zoning	Acres
39	SCB near Foothill	1	2	3	SV	SFD	R1-10	0.73
40	Cupertino Road	0	1	1	V	SFD	R1-10	0.34
41	Bellvue Avenue	0	1	1	V	SFD	R1-10	0.23
42	Janice & Carmen	0	2	2	V	SFD	R1-10	0.41
43	Janice & Carmen	1	1	2	SV	SFD	R1-10	0.46
44	Scenic	1	3	4	SV	SFD	R1-10	0.98
45	Scenic	0	3	3	V	SFD	R1-C	0.73
46	Palm Avenue	0	1	1	V	SFD	R1-10	0.26
47	Santa Paula	1	2	3	SV	SFD	R1-10	0.79
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
48	San Leandro	0	1	1	V	SFD	R1-10	0.23
49	San Leandro & McClellan	0	3	3	V	SFD	R1-10	1.65
49	San Leandro & McClellan	0	5	5	V	SFD	R1-10	
50	SCB near Scenic	1	4	5	SV	SFD	A	5.14
51	Cleo & Gardenside	36	14	50	SV	SFA	P(RES)	3.21
52	Rainbow & Sp Tracks	1	5	6	SV	SFD	R1-6	1.28
54	Evulich Ct.	4	4	8	SV	SFD	R1-7.5	2.37
55	McClellan near Linda Vista	3	7	10	SV	SFD	R1-7.5	2.35
56	Upland Way	5	5	10	SV	SFD	Pre RHS	4.5
57	Rainbow Terminus	0	3	3	V	SFD	RHS	1.81
58	Rainbow Terminus	0	4	4	V	SFD	RHS	2.79
59	Lindy Lane	0	1	1	V	SFD	R1-80	2.23
59	Lindy Lane	0	1	1	V	SFD	R1-80	2.94
60	Lindy Lane	0	1	1	V	SFD	R1-80	3.1
61	Regnart Rd. terminus	0	7	7	V	SFD	RHS	29.95
62	Miramonte & SCB	1	9	10	SV	SFD	R1-10	2.06
63	Kaiser Water Towers	0	2	2	V	SFD	RHS	13.39
64	Mercedes/San Felipe	2	1	3	SV	SFD	R1-10	1.7
65	Inspiration Heights	0	18	18	V	SFD	R1-7.5	3
66	Inspiration Heights	2	16	18	SV	SFD	RHS	30
67	Byrne near Almaden	1	2	3	SV	SFD	R1-8	0.72
68	San Fernando & Orange	1	1	2	SV	SFD	R1-7.5	0.67
69	McClellan & Byrne	0	1	1	V	SFD	R1-7.5	0.23
71	Homestead North	1	192	193	SV	SFA	A-215	9.68
74	Seven Springs	272	136	408	SV	SFD	P(RES)	15.6
75	Diocese	0	178	178	V	SFD	RHS	208
77	North Blaney	1	4	5	SV	SFA	R1-C	0.28
78	North Blaney	1	4	5	SV	SFD	R1-7.5	0.91
79	Forest & Toni Ct.	1	1	2	SV	SFD	R1-7.5	0.35
80	Bubb & Pumpkin	1	3	4	SV	SFD	R1-7.5	0.73
81	Bubb & Krzich	1	3	4	SV	SFD	R1-7.5	0.87
82	McClellan Church Site	1	8	9	SV	SFD	R1-7.5	2.13
83	Rae Lane	1	2	3	SV	SFD	R1-7.5	0.61
84	Rae Lane	1	1	2	SV	SFD	R1-10	0.49
85	Clarkston	1	3	4	SV	SFD	R1-7.5	0.72
86	McClellan & Madrid	1	1	2	SV	SFD	R1-7.5	0.38
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
87	Dolores Avenue	1	1	2	SV	SFD	R1-7.5	0.46
88	Stevens Canyon Rd.	3	5	8	SV	SFD	R1-10	2.8



Map Code	Location	Exist DU	To Be Built	Total Potential	Status	Type	Zoning	Acres
89	Foothill & Alcade	0	3	3	V	SFD	R1-7.5	0.62
90	Gravel Pit	0	12	12	V	SFD	A1-43	125
91	Mariani	0	342	342	V	SFA	P(RES)	18.02
92	Kaiser Industrial Plant	0	40	40	SV	SFD	CO.	200
93	Stevens Creek Blvd./Mann Drive	0	24	24	SV	SFD	P(CN, ML, RES 4-12)	3.43
94	Crescent Court	1	3	4	SV	SFD	R1-10	0.92
95	Peninsula Ave. & Railroad	0	8	8	V	SFA	P(RES)	1.1
96	Rainbow Dr. & DeAnza Blvd.	0	11	11	V	SFA	P(RES-10-20)	0.34
97	Stevens Creek Blvd. & Varian Park	1	9	10	SV	SFD	R1-10	2.04
98	Granada Avenue	1	5	6	SV	SFA	PRE-(RES4-12)	.050
99	Granada Avenue	1	1	2	SV	SFD	R1.7.5	0.29
100	Granada Avenue	0	5	5	SV	SFA	P(RES4-12)	0.48
101	Orange Avenue	0	3	3	V	SFA	P(RES4-12)	0.27
102	Orange Avenue	1	1	2	SV	SFA	P(RES4-12)	0.18
103	Orange Avenue	1	1	2	SV	SFA	P(RES4-12)	0.18
104	Orange Avenue	1	1	2	SV	SFD	P(RES4.7.7)	0.34
105	Imperial Avenue	1	1	2	SV	SFA	P(RES4-12)	0.21
106	Dolores Avenue	3	1	4	SV	SFD	R1-7.5	1.02
107	Alcazar Avenue	1	1	2	SV	SFD	R1-7.5	0.50
108	Lomita Avenue	1	1	2	SV	SFD	R1-7.5	0.50
109	Lomita Avenue	1	1	2	SV	SFD	R1-7.5	0.50
110	Lomita Avenue	1	1	2	SV	SFD	P(RES4.4-7.7)	0.28
111	Lomita Avenue	1	2	3	SV	SFD	P(RES4.4-7.7)	0.44
112	Pasadena Avnue	1	1	2	SV	SFD	P(RES4.4-.12)	0.35
113	Sunny View Lutheran Home	179	50	229	SV	GRP	BQ	10.0
114	I280 and Stelling Road	1	38	39	SV	MU	*	1.14
	R3 (potential for redevelopment for sites over 25 years old):		**					
115	Greenwood Court	61	78	139	SV	MU	R3	10.5
116	Rosemarie Pl.	44	64	108	SV	MU	R3	3.2
117	Greenwood Court	116	16	132	SV	MU	R3	7.46
118	Villa de Anza	120	14	134	SV	MU	R3	7.3
119	Park Circle	60	18	78	SV	MU	R3	4.67
120	Valley Green	468	77	545	SV	MU	R3	31
121	Grove and Villa Sierra	388	62	450	SV	MU	R3	24.8
122	Village Green	122	19	141	SV	MU	R3	19
	Second units (allowed in all R-1 zoning districts)			40 - projected through planning period (1997)				
				40 - projected through planning period (1997)				

Totals	Exist DU	To Be Built	Total Potential	Acres
	2000	1920	3920	896.05

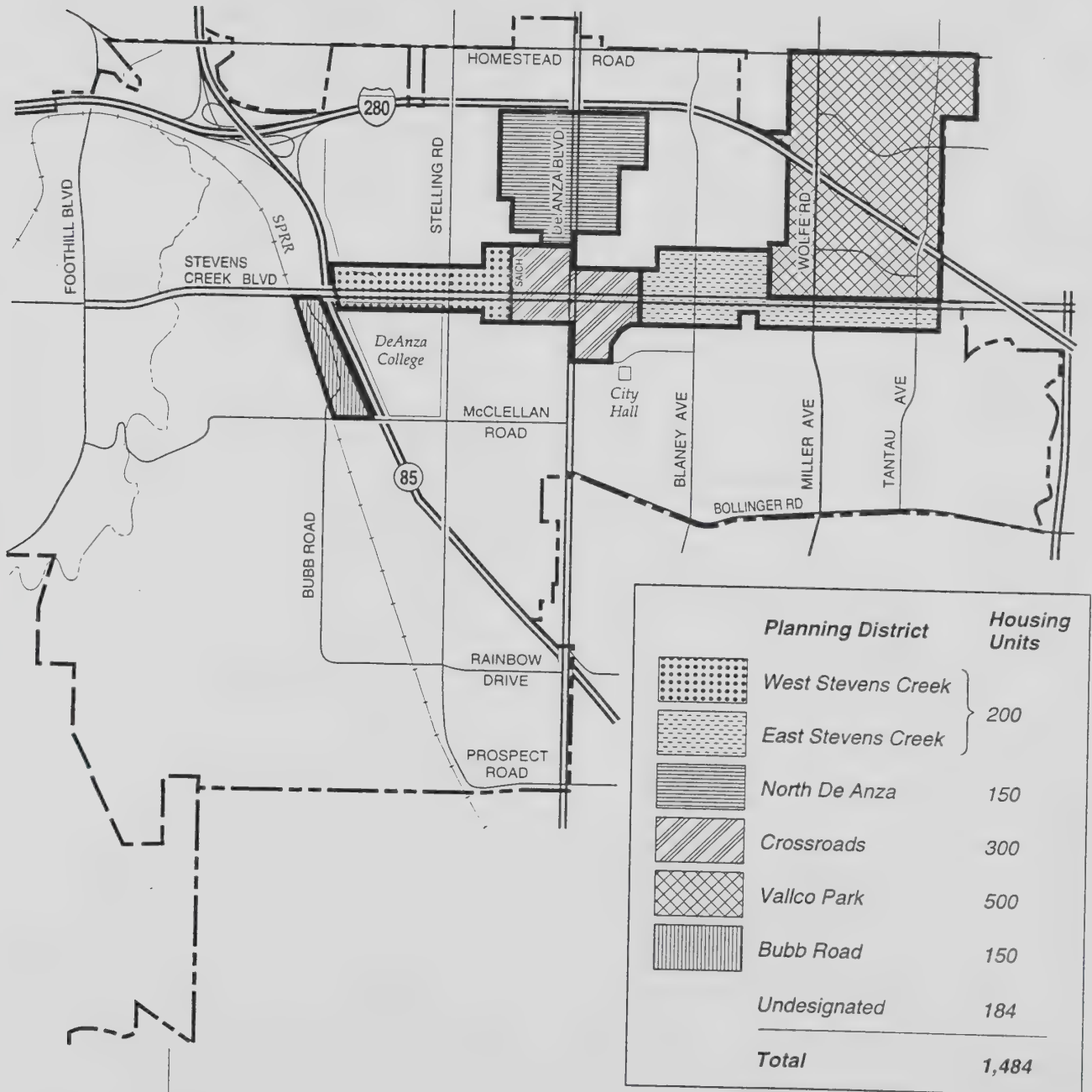
\* Zoning to be determined

\*\* Potential is calculated by multiplying the difference between the existing and allowed units by 1/2 the acreage





## Appendix C: Housing Units by Planning District



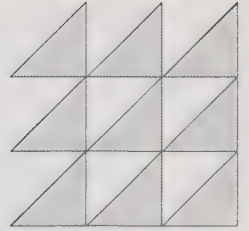








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## Section 4

# Transportation

## Introduction

People in Cupertino use different means of travel—from driving on the freeway to taking a bus or a car on a street to walking along a hiking trail. This element's purpose is to integrate the travelways and the transit service into a single system that blends with Cupertino lifestyles.

**A** PROMOTE A BALANCED CIRCULATION SYSTEM THAT IS INTEGRATED WITH THE REGIONAL SYSTEM, OFFERING FLEXIBILITY FOR THE FUTURE BY ALLOWING FOR A VARIETY OF FORMS OF TRANSPORTATION AND KEEPING NEGATIVE ENVIRONMENTAL AND SOCIAL EFFECTS ON THE COMMUNITY TO A MINIMUM.



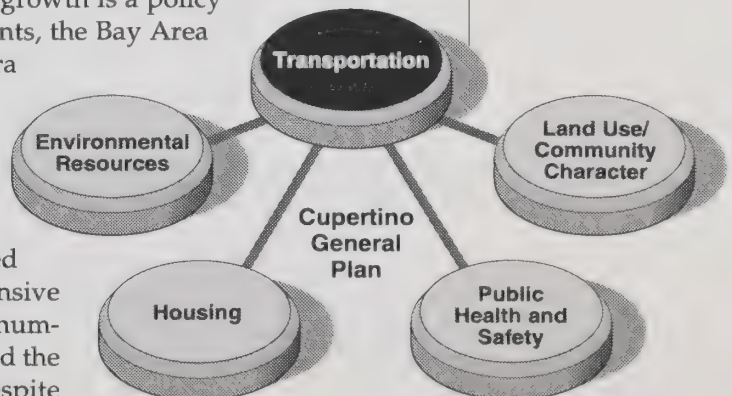
## The Regional Perspective

Cupertino does not plan its circulation system in a vacuum; it participates in regional and sub-regional planning and supports the Santa Clara County Congestion Management Agency, Measure A Task Force (Local Transportation Authority), and the Santa Clara County Transportation Plan (T2010). The City requires bus turn outs to be built at key intersections and makes sure that new development encourages bus patrons to walk home from the bus stop. A bus transfer station will be built in Vallco Park when new development in the neighborhood warrants it.



Regional transportation planning efforts involve land use. The jobs-housing imbalance in northern Santa Clara County makes the transportation picture worse. Increasing the housing opportunity next to areas with employment growth is a policy advocated by the Association of Bay Area Governments, the Bay Area Council, other public interest groups and the Santa Clara County Board of Supervisors.

Cupertino responded to this challenge in 1978-1979 by significantly increasing allowed density ranges. The effort was augmented by changes to land use and housing policy in 1993 which reallocated potential commercial development to less traffic intensive office development zones and increased the potential number of housing units. The 1992 policy changes increased the potential housing by approximately 1,000 units. Despite



density increases that theoretically would have increased the future housing supply, Cupertino may not be able to balance new jobs with new housing. It would have to rezone the majority of industrial parcels located in built-up industrial areas to high-density residential to achieve this balance. This is not practical because most of that land is planned for the expansion of existing firms and most of the remaining parcels are too small for housing. Cupertino encourages mixed-use development to increase housing supply.

#### **Policy 4-1: City Participation in Regional Transportation**

Participate actively in developing regional approaches to meeting the transportation needs of residents of the Santa Clara Valley.

##### *Strategies*

1. **Congestion Management Agency.** Continue to actively participate in the Congestion Management Plan and other regional efforts to control traffic congestion and its attendant air pollution impacts by:
  - a. requiring a separate traffic analysis using Congestion Management Agency (CMA) methodology for projects that generate a large amount of peak hour traffic.
  - b. preparing a deficiency plan as defined by CMA if the regional transportation system is seriously congested.
2. **Expansion of Bus Fleet.** Support the expansion of the County Transit District bus fleet and support prioritizing commuter express services along expressways and City arterial streets.
3. **Extension of rapid transit.** Support the extension of rapid transit along North De Anza Boulevard/ Highway 85 Corridor and Stevens Creek Boulevard Corridor by the following means:
  - a. All right-of-way improvement projects shall be reviewed for potential opportunities and constraints to rapid transit extension in these corridors.
  - b. Focus higher development intensities along the corridors and orient the design of such developments to serve future transit patrons and pedestrians.
  - c. Seek the cooperative support of residents, property owners and businesses in planning for a rapid transit extension.

## **The Local Perspective**

Cupertino's land use and circulation plans control the intensity of development, based on the capacity of the street network to carry traffic, incorporating measures that protect residential areas from through traffic.

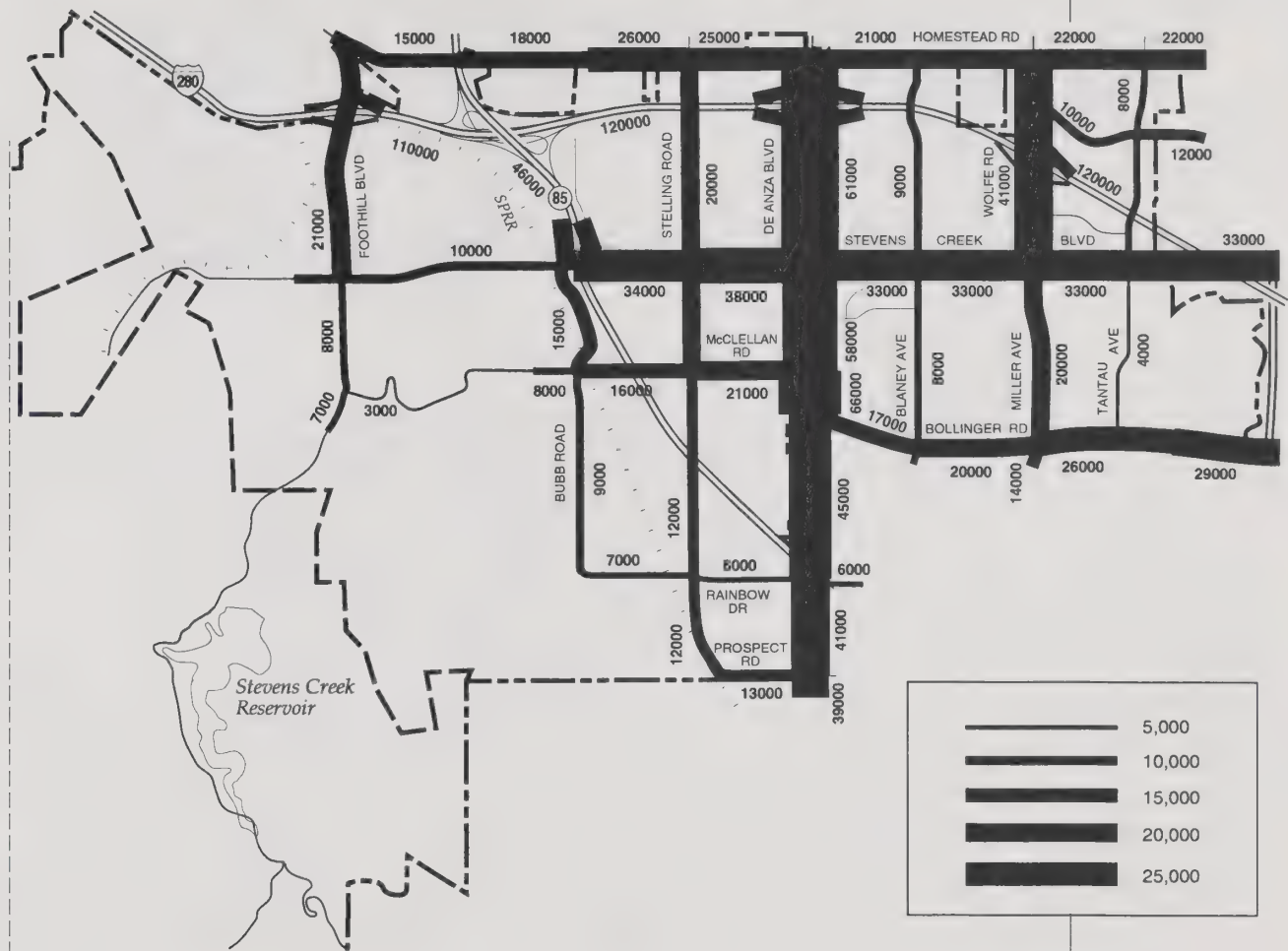


Figure 4-A. Average Daily Traffic Counts.

The term "traffic carrying capacity" is subjective. Its definition is based on the desired maximum road width and number of travel lanes and the "level of service." Except for intersections, the City limits the number of travel lanes in each direction to four. This limit is based on future widening possibilities and a judgment that wide streets are unattractive and divide Cupertino. Figure 4-B shows the adopted roadway system.

"Level of service" refers to a system that measures the degree of traffic congestion. It ranges from Level A-free flow, to Level F-failure. Table 4-A explains these levels. Level A is ideal, but it is not feasible to maintain in an intersection if surrounding intersections are more congested. Drivers looking for the fastest way to their destination will go to the less congested intersection and equalize the congestion for the whole system. Like most cities located in the urbanized areas of Santa Clara County, Cupertino adopted Level of Service (LOS) D for the purpose of planning its street system to accommodate growth. The general plan links existing and future land use activities with the existing and future street systems so that a minimum LOS D is maintained. The intersections of Stevens Creek and De Anza boulevards, and De Anza Boulevard and Bollinger Road are exempted from the LOS D standard in order to facilitate the "Heart of the City" concept described in the Land Use/Community Character Element.





Figure 4-B. Primary Circulation Plan.

Table 4-A. Traffic Service Levels.

Level of Service per Vehicle	Stopped Delay (Seconds)	Description
A	5.0	Free flow, no congestion (very little delay)
B	5.1 to 15.0	Stable flow, some congestion (slight delay)
C	15.1 to 25.0	Stable flow, moderate congestion (acceptable delay)
D	25.1 to 40.0	Approaching unstable flow, high congestion (tolerable delay)
E	40.1 to 60.0	Unstable flow, near breakdown (unacceptable delay)
F	60.0	Forced flow, breakdown (very long delay)

Table 4-B. *Street Hierarchy.*

Street Category	Street Function	Typical Number of Lanes and Access Characteristics
Freeways and Expressways	<b><i>Inter-State/Inter-City</i></b>  Highways carrying inter-city, inter-county and inter-state traffic. Freeways and expressways do not provide direct access to abutting lands.	4 lanes or greater  (No access to adjoining property)
Arterial	<b><i>Inter-City</i></b>  Streets and highways serving major metropolitan activity centers, the highest traffic volume corridors. The longest trip demand, and a high proportion of total urban area travel on a minimum of mileage. Service to adjoining land should come second to providing access to major freeways and expressways. This system carries the major portion of trips entering and leaving an urban area, and normally will carry important intra-urban as well as inter-city bus routes.	4 lanes or greater  (Limited access to adjoining property)
Major Collector	<b><i>Inter-City/Inter-Neighborhood</i></b>  Streets and highways interconnecting with and augmenting the arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and distributes travel to geographic areas smaller than those identified with the higher system.	2 - 4 lanes  (Direct and indirect access to adjoining property)
Minor Collector	<b><i>Inter-City/Inter-Neighborhood</i></b>  Streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods and channeling it into the arterial system. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movements within residential neighborhoods, commercial, and industrial areas. It may also serve local bus routes.	2 - 4 lanes  (Direct access to adjoining property)
Local	<b><i>Intra-Neighborhood</i></b>  Streets not classified in a higher system, primarily providing direct access to abutting land and access to the higher systems. They offer the lowest level of mobility and usually carry no bus routes. Service to through traffic is deliberately discouraged. Local streets may function to "collect" traffic from the immediate neighborhood and provide access to the other street categories.	2 lanes  (Direct access to adjoining property)

### Policy 4-2: Traffic Capacity and Land Use Limitations

Maintain a reasonable minimum LOS D for major intersections during the p.m. peak traffic hour (highest single hour) by imposing reasonable limits on land use to ensure that principal thoroughfares are not unduly impacted by locally generated traffic during the peak traffic hour.

In order to accommodate development which furthers a unique community gathering place on Stevens Creek Boulevard, the intersection of Stevens Creek and De Anza boulevards and De Anza Boulevard and Bollinger Road may maintain a LOS E+ (No more than 45 seconds weighted delay).

For land use and transportation planning purposes, the traffic peak hour should not be allowed to expand into the peak period. Staggering of work hours beyond current levels is not acceptable as a transportation demand management (TDM) technique. The TDM technique must benefit both the peak hour traffic and the average daily traffic volume.

#### Strategies

1. **Right-of-Way Limitation.** In order to minimize the barrier effect of major streets and the negative aesthetics, limit mid-block right-of-way capacity to a maximum of eight lanes for De Anza Boulevard and six lanes for Stevens Creek Boulevard.
2. **Development/Floor Area Ratio Limitation.** In order to maintain a desired level of transportation system capacity, the city's remaining commercial development potential shall be pooled and reallocated according to the City's development priorities tables. Floor Area Ratio (FAR) limitations apply to all remaining office and industrial properties, unless a property owner received bonus FAR credit authorized by the 1983 General Plan and/or a higher development allocation, above the FAR limitation, approved by the City. The properties previously regulated by the traffic intensity performance standard (TIPS) will be regulated by a floor area ratio specified in the Land Use Element.

Businesses that generate traffic levels significantly higher than those typically found in a similar zoning district will be subject to the "Extraordinary Use Policy" contained in the Development Intensity Manual.

3. **Citywide Transportation Improvement Plan.** Carry out a citywide transportation improvement plan to accommodate peak hour traffic flows on arterial streets and major collector streets at a minimum of Service Level D. Service Level E+ (45 seconds weighted delay) is acceptable only for the intersection of De Anza and Stevens Creek boulevards and De Anza Boulevard and Bollinger Road to implement the Heart of the City Concept. If feasible, the plan should maintain existing levels of service higher than Level D. The percent or number of through trips on arterial and major collector streets is not regulated.



4. **Underpass at De Anza and Stevens Creek Boulevards.** If needed to implement significant, new growth, the City should consider an underpass at De Anza and Stevens Creek boulevards to improve traffic flow
5. **Traffic Assessment after Highway 85 Completion.** After the completion of Highway 85, the City should conduct a traffic analysis of the street system to determine opportunities to improve the Level of Service.
6. **Annual LOS Analysis.** Conduct an annual Level of Service analysis, to be completed at the time of the annual General Plan Review.

## Traffic Modeling

Cupertino uses a traffic model that inputs existing and planned land uses and densities and assigns future work, shopping and recreation trips to the street network. The model includes future traffic generated by projected growth in surrounding communities and De Anza College, along with significant future road improvements, including pending improvements in the Highway 85 corridor and Measure A (1984) transportation projects. Most of the county's T2010 improvements are not included in the model. The model calculates traffic volumes and Level of Service for various intersections, enabling the City to determine how much new development can occur without exceeding the City LOS standards and road width criterion.

The land use plan allocates available development potential and establishes land use intensity controls in the form of development priorities and height limits for each area of Cupertino.

Each time a new development application is reviewed, the Level of Service and maximum lane width criteria are considered so that the traffic carrying capacity of the road remains in line with new development.

## Traffic Controls on Additional Mitigated Development

The growth limit defined by the traffic model limits retail, commercial, office and industrial growth to approximately 3,300,000 square feet above development that was built and occupied during the 1990 base year. The land use element of the plan describes the permitted land uses in detail. To attain its economic development goals, the General Plan permits additional growth to occur above the General Plan base level to a maximum cap of 2,000,000 square feet if such additional development can conform to the housing and transportation goals. Prospective office and industrial developers/employers may apply for such additional square footage if the expected traffic generation can be reduced to a level equivalent to the traffic generated by such property if it developed at its base entitlement established by FAR constraints. The following policy establishes a three-tiered traffic mitigation program for such additional development.

### **Policy 4-3: Tiered Traffic Mitigation for Additional Mitigated Development**

Developers/employers may increase building area above levels allowed by applicable Floor Area Ratios (FARs) when it can be demonstrated that peak p.m. trips can be reduced beyond base levels experienced by the specific applicants, prior to implementation of Transportation Demand Management



(TDM) programs. The maximum additional development cap is 2,000,000 square feet. The three-tiered traffic mitigation program is described in Table 4-C. The City's Development Intensity Manual will be amended or an ordinance developed which will describe detailed procedures to implement the Tiered Traffic Mitigation Program.

Table 4-C. *Tiered Traffic Mitigation Program.*

### **TIER 1: FIXED DISCOUNT OF VEHICLE TRIP GENERATION**

Tier 1 discounts are applicable to new development.

1. A 5% p.m. peak hour trip discount will be applied if a standard Transportation Demand Management program is included in the project. The applicant must have a TDM Coordinator.

For example, elements of a TDM program may include:

- Transit passes
  - Guaranteed Ride Home
  - Bicycle lockers
  - Preferred parking for carpoolers
2. A 5% discount will be applied to a company located near a transit (rail or major bus) line.
  3. A 10% discount will be applied when a company implements number 1 and is near a transit line.

This represents the maximum discount available under Tier 1.

### **TIER 2. VARIABLE DISCOUNT OF TRIP GENERATION**

Tier 2 discounts are applicable to existing and new development. The Tier 2 approach provides a mechanism to enable employers/business property developers to take advantage of housing and more aggressive TDM measures to increase employment density/building space without increasing traffic.

1. Housing: The tier 2 approach recognizes the synergism between increased housing opportunity and new forms of TDM. Traffic reduction discounts may be taken when:
  - a. Provision of on or off site housing combined with other TDM strategies with a demonstrated reduction in p.m. peak hour trips.
  - b. Assure compliance of housing creation and TDM performance through a development agreement which provides sanctions for lack of performance.
2. Examples of aggressive TDM programs are:
  - a. Telecommuting and satellite telecommuting
  - b. Shuttle systems

REFER TO "TIER 2"  
PLAN

- c. Compressed work week
- d. Village design (on site services)
- e. Satellite park and ride lot
- f. Peak hour express bus system

Adoption of aggressive TDM program will require a proven track record and the establishment of performance standards with a monitoring system. Sanctions will be developed to ensure compliance.

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### **TIER 3: IMPROVE TRANSPORTATION SYSTEM CAPACITY**

(applicable after implementation of Tier 1 and 2 techniques)

Implement Transportation System Management (TSM) techniques such as the De Anza/Stevens Creek Boulevard underpass. Approvable development based on traffic analysis of projected increase in peak hour traffic capacity of street system.

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#### **Policy 4-4: Coordination of Street Improvements**

Develop the street construction plan ensuring critical street improvements are finished before or at the same time as major developments. The plan should be based on the principle of equity, ensuring that land developers help pay for street improvements.

SEE MUNICIPAL  
CODE CHAPTER 14.04

#### **Strategy**

**Traffic Evaluations With New Development.** Require a traffic evaluation when the final development plans for any major development are filed.

The five-year Capital Improvements Program outlines improvements for the entire network. The timing of improvements will be adjusted depending on land development projects.

### **Description of the Circulation Plan**

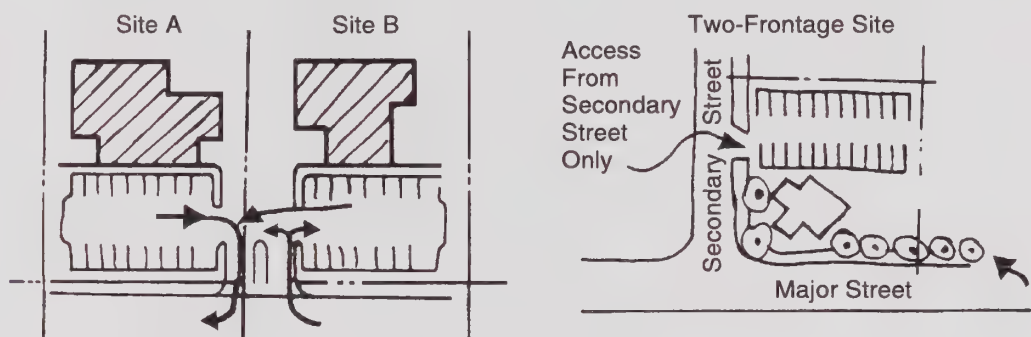
Figure 4-B describes Cupertino's Circulation Plan for City streets except for residential streets, which are not shown. It locates the freeways, expressways, arterials and major and minor collectors. Table 4-B defines the function of each street type and its typical lane design.

The street hierarchy is designed to concentrate traffic on freeways and arterials that serve commercial and industrial areas and to shift traffic away from residential areas to the network of freeways and arterials. The plan is put into effect in stages by the five-year Capital Improvements Program and by improvements built along with new development.

Cupertino uses site planning criteria to control development, thus obtaining a more efficient street system. The area plans controlling development next to major arterials have design standards that strictly limit the number of access points to the property. Curb breaks are typically shared by adjoining properties and developers are required to record recipro-

cal circulation easements. These easements allow adjoining properties to share roads and gain access to secondary streets that intersect with major arterials.

The North De Anza Boulevard plan requires property owners to participate in the construction of Bandley Avenue that parallels De Anza Blvd. A system of private driveway connections is required to link adjoining parking lots. As a result, De Anza Blvd. has few curb breaks and few side restrictions to slow traffic. The policy's secondary benefit is that the lack of curb breaks has resulted in an attractive streetscape.



*Interconnecting Driveways to Reduce Curb Breaks.*

#### ■ Policy 4-5: Driveway Interconnection

Discourage direct access from adjoining properties to major arterial streets. Require access by interconnecting private driveway networks linking side streets or other major entrance points unless—this is unsafe or impractical because of the established development pattern.



Cupertino uses a computerized traffic signal interconnect system to increase the traffic-carrying capacity of arterial streets. The system controls the flow at intersections to favor commute traffic. Green lights are longer on major arterials to encourage shoppers, commuters and employees to use those streets.

These policies encourage travelers to use the arterial system. Cupertino discourages drivers from other cities from using local streets and, where appropriate, local collector streets, by means of stop signs, speed bumps, raised medians, diverters and intensified enforcement of speed limits.

#### ■ Policy 4-6: Protection From Effects of Transportation System

Work to protect the community from noise, fumes and hazards caused by the City's transportation system.



#### **Policy 4-7: Neighborhood Traffic Management**

Develop traffic management plans for neighborhoods affected by unacceptable levels of through traffic. Design these plans based on the concept that commute or through traffic should be redirected from local residential streets and minor collectors to the freeway, expressway and arterial and major collector streets.

#### **Policy 4-8: Abusive Driving**

Continue to study and carry out techniques that discourage abusive driving on local neighborhood streets, including intensified enforcement of speed laws, enforcement of State muffler laws and review of traffic management strategies.

### **Accommodating Alternatives to the Automobile**

Developing travel routes and methods that are alternatives to the automobile will increase the efficiency of the system. However, until alternatives are widely accepted locally, Cupertino cannot rely on them to reduce traffic levels noticeably. For people who wish to use them, the City will encourage alternatives to the automobile. Bike lanes must be safe and conveniently located. Buses must be frequent and allowed to use preferential lanes where possible.

#### **Policy 4-9: Reliance on Usage of Private Cars**

Promote a general decrease in reliance on private cars by accommodating and encouraging attractive alternatives.



#### **Strategies**

1. **Alternative Transportation.** Encourage use of alternative transportation, such as bicycles and motor bikes, as well as techniques that increase the number of people in each vehicles, such as buses and van and car pooling.
2. **Street Space for Alternative Transportation.** Provide space on appropriate streets for bus turn outs, safe and accessible bike lanes and pedestrian paths.
3. **On-Site Bike Facilities.** Require on-site bicycle facilities, including parking facilities, showers and clothing storage lockers, in industrial and commercial developments.
4. **Coordination of Bicycle Planning.** Coordinate bicycle route planning with surrounding cities and the County in order to provide for the commuting needs of workers, shoppers and students and the travel needs of park users.



5. **Designing for Alternative Transportation.** Require grade-separated thoroughfare construction to provide adequate design and width to accommodate bicycle lanes and pedestrian crossings.
6. **Alternative Transportation Information.** Use the Cupertino Scene and other media to provide educational material on non-motoring travel.
7. **Citizen Participation.** Continue to work with the City Bicycle/Pedestrian Advisory Committee, community groups and residents to eliminate hazards and barriers to bicycle and pedestrian traffic.
8. **Shuttle Service.** Consider the possibility of creating a shuttle service to link a proposed bus transfer station in Vallco Park with Town Center and North De Anza Blvd. Reassess the feasibility of requiring car or van pooling.

Alternative transportation can enhance recreational opportunities. Figure 4-C shows a plan for bikeways. It coordinates directly with bikeways planning by the County and the MidPeninsula Regional Open Space District.

■ ***Policy 4-10: Regional Trail Development***

Continue to plan and provide for a comprehensive system of trails and pathways consistent with regional systems., including the Bay Trail, Stevens Creek Corridor and Ridge Trail. The general alignment of the Bay Trail, as shown in the Association of Bay Area Governments' Bay Trail planning document, is incorporated in the General Plan by reference.

SEE POLICY 5-42

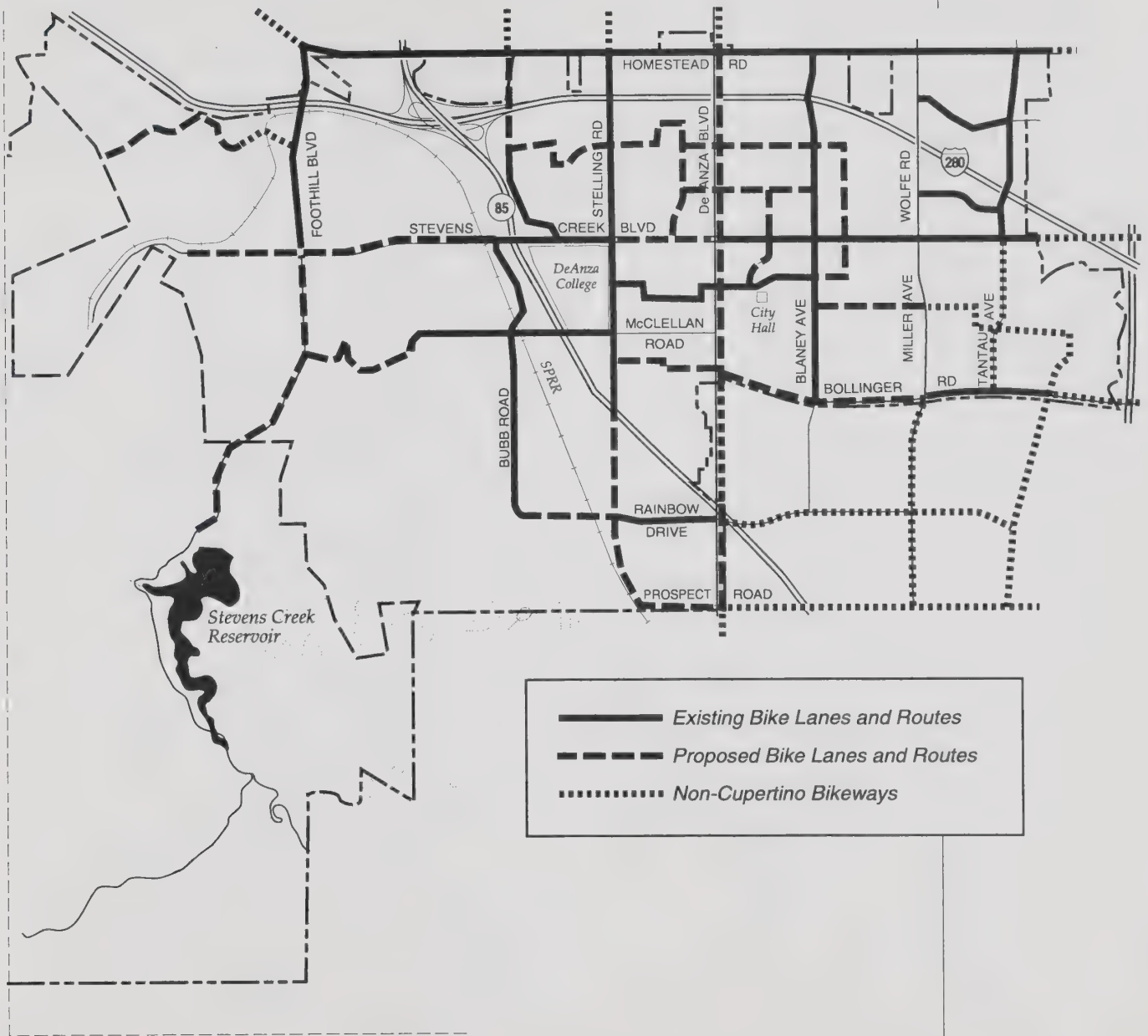


Figure 4-C. Bike Lanes.

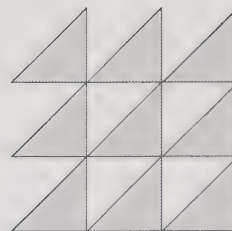








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## Section 7

# Implementation

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### Introduction

This section outlines the steps to be taken to carry out General Plan policies and programs during a set period of time. It monitors the City's progress toward meeting the Plan's goals and measures the Plan's effectiveness through periodic reviews.

It is not easy to relate long-term policies and programs to concrete implementation steps, but other policies and programs that are very specific can be completed relatively quickly.

### Implementation Techniques

The General Plan is carried out through four techniques: control timing of growth, development regulations, capital improvements and intergovernmental coordination.

Controlling the timing of growth includes consideration of the infrastructure capacity, geographic limitations and annexation. Cupertino makes sure that the City's infrastructure, in other words, its utilities and road system, can absorb the impacts of growth, regulating growth's timing and extent.

Cupertino cooperates with the Santa Clara County Local Agency Formation Commission (LAFCO) to define the growth limits of the City. LAFCO establishes an Urban Service Area boundary that identifies a supply of land to accommodate five years of growth, based on the growth rate of the previous five years and a Sphere of Influence line showing the 25-year growth limit. Both limits are illustrated on Figure 7-A.

Cupertino's Urban Service Area is developed with the exception of a few areas along the western fringe of the foothills, the Vallco Park planning area and the San Jose Diocese property near Interstate 280. Cupertino does not intend to expand into the 25-year limit Sphere of Influence growth line at this time.

Most of the county islands within the Urban Service Area have been annexed into Cupertino. Routine annexation will continue with properties that require new or expanded connections to Cupertino Water Service or properties that develop under county jurisdiction with a formal agreement to annex at a specified time. Annexations of large areas will be reviewed as they come up to find the degree of benefit to both the annexed area and to Cupertino.

#### ■ Policy 7-1: Annexations of Small Islands

Actively pursue annexation of small islands, especially those in need of Cupertino Water Service and other municipal services to facilitate new development.

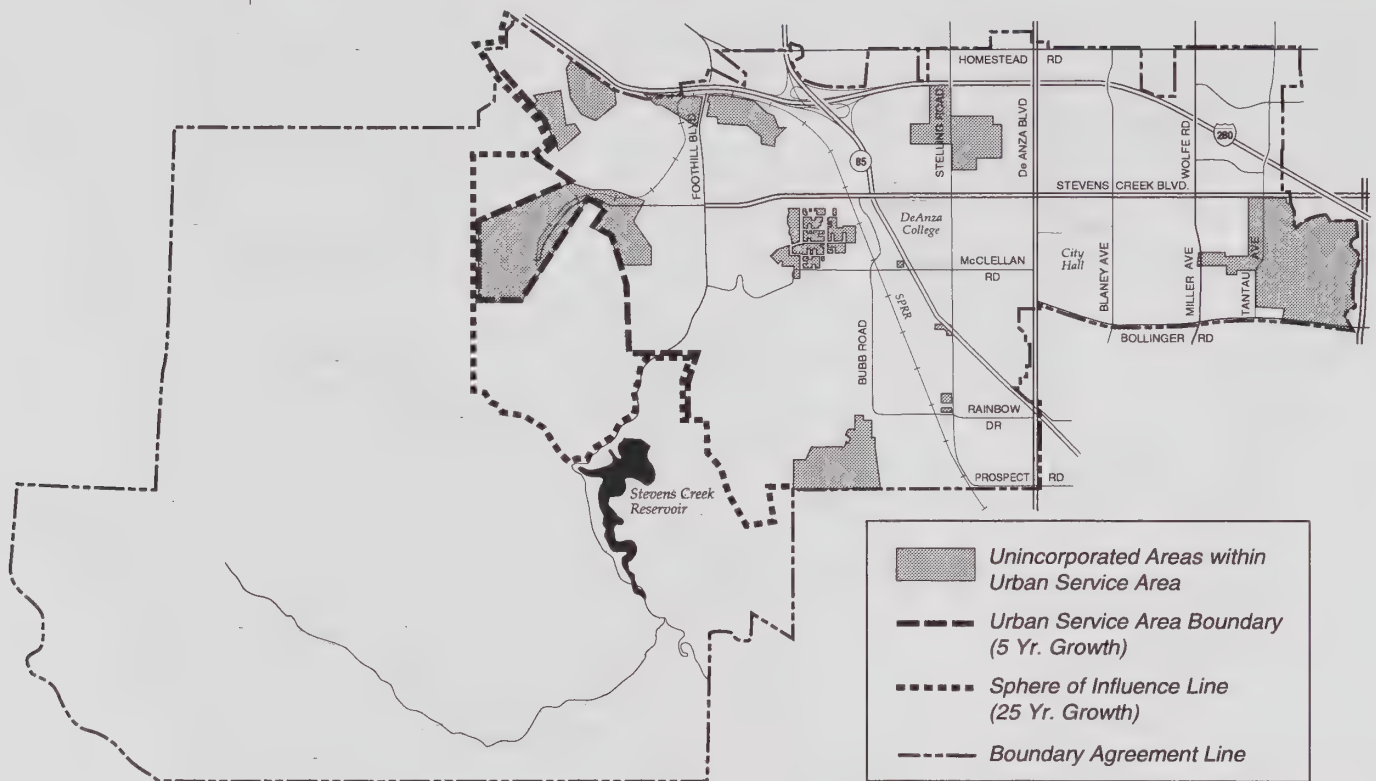


Figure 7-A. Urban Service and Sphere of Influence.

Some of Cupertino's development regulations are proactive, defining the actions of the City and other agencies to meet planning goals. A good example is in the Environmental Resources Element. Policies identify lands to be acquired by the City and other agencies for public open space and recreation. Others are reactive, regulating the use of land by private parties. They are in the Land Use/Community Character Element and on the land use diagram, which identifies approved land use types and intensity.

The need for significant capital improvements and their location are shown in the General Plan. The City is responsible for adopting a Capital Improvements Program to set the amount and source of money to build streets, acquire parks and build physical improvements to carry out the Plan.

The Plan guides agencies that directly serve the City, such as the fire district, sanitary district, school system and the regional open space management district. The Plan also contains policies that react to regional planning efforts, such as the T-2010 Transportation Plan.

This implementation chart links the plan's policies to a system that identifies the actions and timing needed to carry them out. The Plan will be reviewed yearly and the policies will be tested to be sure that they are still relevant and feasible, economically and politically, thus ensuring that the Plan remains current.

The General Plan must be both practical and visionary. The Plan must not be limited to a short-term viewpoint because it contains fundamental goals that may not be possible to achieve in a prescribed period. The steps to carry out such goals must be tested yearly to be sure that they are still valid and attainable. The community should appoint a Goals Committee to examine and restructure the Plan every five years to reflect changing community values.

### ■ *Policy 7-2: Plan Review Schedule*

Schedule the General Plan for review annually by the Planning Commission and every five years by an ad hoc citizen's review committee.

The implementation diagram shows follow-up actions to be taken within a specific time period based on a system of priorities. The Program Code refers to the Capital Improvements Program, Legislative Review Program, or to the Community Development/Public Works Departments' annual work programs, which contain more detailed description of each activity.



## Land Use/Community Character Element

## KEY



= High Priority



= Low Priority



= Ongoing



= Medium Priority



= Unprogrammed



= Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
2-1	Provide adequate land area for a variety of uses, including recreation and open space. Encourage mixed use development.										
2-2	Coordinate private development to create Community Focal Point on or near Stevens Creek Blvd. through development of a specific plan.										
2-3	Revise Development Intensity Manual to address development allocation.										
2-4	Regulate land use intensity for Monta Vista area industrial and office uses. Require an allocation for commercial land uses.										
2-5	Protect residential areas from intrusive impacts of commercial and industrial uses in Monta Vista area.										
2-6	Implement shared driveways and interconnect parking lots on commercial sites in Monta Vista area.										
2-7	Require replacement of housing removed under eminent domain in Monta Vista.										
2-8	Eliminate architectural barriers to pedestrian mobility in Monta Vista area.										
2-9	Maintain a semi-rural appearance with residential street improvements in Monta Vista.										
2-10	Preserve existing neighborhood landscaping and emphasize on-site parking during redevelopment in Monta Vista.										
2-11	Allow mixed use development in Granada Ave., Stevens Creek Blvd. and Orange Ave. area and rely on public parking for commercial part of project on Pasadena and Imperial Avenues.										
2-12	Require traditional storefront appearances for commercial and office structures in Monta Vista.										
2-13	Provide full range of housing density and tenure type.										
2-14	Consider housing in non-residential developments.										
2-15	Ensure scale and density of new and remodel housing consistent with predominant single family pattern.										
2-16	Ensure compatibility of lot sizes with neighborhood lot pattern for zoning requests.										
2-17	Encourage variety in housing type and density in urban core.										

## Land Use/Community Character/ Element (con't)

## KEY

= High  
Priority= Low  
Priority

= Ongoing

= Medium  
Priority

= Unprogrammed

✓ = Timing  
Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide- lines	Inter- Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
2-18	Include private indoor/outdoor spaces for each unit in residential developments.										
2-19	Protect neighborhoods from adverse effects of more intense development.										
2-20	Use design techniques to reduce privacy intrusion from neighbors.										
2-21	Use design techniques to enhance security/neighborhood awareness.										
2-22	Allow development in excess of allocations if traffic, housing and other goals are met.						✓				
2-23	Monitor development rate/fiscal effects to avoid market saturation.										
2-24	City may enter into agreement with developer of hotel conference facilities to develop such facility.										
2-25	Intensify urban development in Valco Park, N. De Anza Bl. and Town Center and Stevens Creek Blvd. area and amend height ordinance.						✓				
2-26	Emphasize attractive on-site environments during the development review process.										
2-27	Encourage residential and public open space next to major streets.										
2-28	Review proposed development at Community entries to include Gateway treatment.										
2-29	Minimize number of curb cuts in each development.										
2-30	Plan street improvements as an integral part of the project to ensure safe movement of people and vehicles.										
2-31	Include defined spaces for pedestrians in parking lots.										
2-32	Provide 50 ft. setback for properties fronting De Anza Blvd.										
2-33	Use design techniques to off-set effects of major roadways.										
2-34	Define neighborhood entries through architecture, landscaping.										
2-35	Protect neighborhoods from through traffic spillover.										

## Land Use/Community Character Element (con't)

## KEY



= High Priority



= Low Priority



= Ongoing



= Medium Priority



= Unprogrammed

✓ = Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
2-36	Apply slope density formula to foothill residential areas.										
2-37	Apply the 5-20 slope density designation to provide special hillside protection west of the existing urban/suburban development pattern.										
2-38	Require consolidation of lots less than 5 areas under certain conditions in the 5-20 slope density area.										
2-39	Rezone portion of Inspiration Heights area from R1-10 to RHS .						✓				
2-40	Adopt an exception process in the foothill modified and 1/2 acre modified slope density designations to allow consideration of development on sub-standard lots.						✓				
2-41	Apply hillside protection policies to diocese property.					✓	✓				
2-42	Do not expand the urban service area.										
2-43	Cluster major subdivisions in the hillsides, reserving 90% of the land in open space.										
2-44	Establish a private open space zoning district.										
2-45	Encourage clustering in minor subdivisions, reserving 90% of the land in open space.										
2-46	Establish stricter building standards for the hillside area.						✓				
2-47	Amend RHS ordinance to disallow any structures on ridgelines if visible from valley floor vantage points.						✓				
2-48	Locate hillside structures to minimize impacts on adjacent properties and open space.										
2-49	Amend RHS ordinance to avoid or limit development in geological hazard areas.						✓				
2-50	Amend RHS ordinance to reduce visible mass of structures.						✓				
2-51	Amend RHS ordinance to require low intensity and shielded lighting.						✓				
2-52	Amend RHS ordinance to limit height and visual impacts.						✓				
2-53	Amend the RHS ordinance to prohibit structures on slopes greater than 30%.						✓				



## Land Use/Community Character Element (con't)

## KEY



= High Priority



= Low Priority

= Ongoing



= Medium Priority



= Unprogrammed

= Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
2-54	Require rural improvement standards in hillside subdivisions.										
2-55	Include view of foothills/natural features in public facilities design.										
2-56	Investigate/mitigate environmental dangers of hillside development.										
2-57	Minimize disturbance of natural contours, plants, trees during hillside development										
2-58	Incorporate Santa Clara County Hillside Policies.										
2-59	County development should consider Cupertino's General Plan.										
2-60	Explore a joint powers agreement made up of Cupertino, Los Altos Hills, Palo Alto, Saratoga and Santa Clara Co. for the purpose of hillside protection in the unincorporated area.										
2-61	Allow existing commercial/recreation uses in floodplain to remain or convert to agriculture.										
2-62	Designate non-recreational sites in floodplain as residential per criteria.										
2-63	Allow public, quasi-public uses in floodplain after review.										
2-64	Balance access to, protection from sun exposure for all homes.										
2-65	Work with school districts to continue to provide high level of school services.										
2-66	Design roads to meet school busing needs.										
2-67	Create pedestrian access between new subdivisions and schools.										
2-68	Continue to provide building permit data to school districts.										
2-69	Allow non-traditional uses at De Anza College.										
2-70	Require cooperation between the County and City in expanding library services and facilities if necessary.										
2-71	Integrate and coordinate the library system into General Plan goals.										



## Land Use/Community Character Element (con't)

## KEY



= High Priority



= Low Priority



= Ongoing



= Medium Priority



= Unprogrammed




= Timing Target







POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
2-72	Encourage library to use new technology to improve service and encourage adjustments of library collections to meet needs.								✓		
2-73	Actively seek methods to expand library facilities.							✓			
2-74	Encourage private rehabilitation and retention of landmark buildings.										
2-75	Require investigation to determine if archaeological resources will be affected by a project.										
2-76	Take appropriate actions if native American burials are discovered during construction.										
2-77	Protect and maintain Heritage Trees.										
2-78	Consider requiring installation of public art in large project approvals.										
2-79	Base boundaries between land use classifications upon established land use activities, public streets and physical barriers.										
2-80	Recognize that actual dwelling unit density may be different from the land use map.										
2-81	Allow public and quasi-public activities within any land use designation and allow residential land uses in quasi-public areas.										
2-82	Designate all public school sites for public use within closed school sites used for quasi-public, institutional activities or for housing.										
2-83	Allow new driveup facilities if compatibility w/ surroundings shown.										
2-84	Discourage late-hour activities except in Vallco, Town Center or areas isolated from residential uses.										

# Housing Element

KEY

 = Ongoing

 = Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	RESPONSIBLE AGENCY	FUNDING SOURCE	TIMING				
				1993	1994	1995	1996	1997
1	Prepare specific plans for existing non-residential areas where an additional 1,500 housing units will be allowed.	Planning Dept.	Staff time, property owners	✓				
2	Encourage higher density affordable housing with density bonuses.	Planning Dept.	Staff time					
3	Consider specific locations for mandatory residential or mixed use.	Planning Dept.	Staff time	✓				
4	Consider surplus school and urban church sites for higher density and mixed use residential.	Planning Dept.	Staff time					
5	Study additional specific areas for residential use.	Planning Dept.	Staff time		✓			
6	Allow a density bonus if a Transfer of Development Credits program is adopted.	Planning Dept.	Staff time			✓		
7	Discount parking standards for mixed use developments.	Planning Dept.	Staff time	✓				
8	Set minimum landscaping, open space and setback standards for higher density and mixed use projects.	Planning Dept.	Staff time	✓				
9	Set high design standards for higher density and mixed use projects.	Planning Dept.	Staff time	✓				
10	Continue second unit ordinance.	Planning Dept.	Staff time					
11	Cooperate with county, state, federal and private agencies in developing affordable housing; use HUD funds to finance infrastructure; encourage use of mortgage revenue bonds and CDBG funds.							
12	Construct 160-210 very low and low income units.	Planning Dept.	Section 202; Section 8, CDBG			✓		
13	Continue participation in Section 8 (Ex.) to assist 63 very low and low income housing.	Housing Authority of Santa Clara	CDBG, Project Sponsor, Staff time					
14	Develop rental and affordable ownership housing opportunities through the following combination of programs:	Planning Dept.	Staff time, City Funds					
	Continue priority processing of developments that have low/moderate income units;							
	Identify suitable sites and determine availability of surplus school sites;							
	Excuse all/part of development fees for projects which include low-mod. income units;							
	Develop additional methods for providing funding and units such as revenue bond financing;							
	Use City funds to assist non-profit organizations to develop rental units for low and very low income households.							

## Housing Element (con't)

KEY

■■■■▶ = Ongoing

✓ = Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	RESPONSIBLE AGENCY	FUNDING SOURCE	TIMING				
				1993	1994	1995	1996	1997
15	Determine necessity for Article 34 referendum.	Staff report to City Manager	City funds	■■■■▶				
16	Participate in Mortgage Credit Certificate Program to provide ownership housing to 40 moderate income ownership units.	Planning Dept.	Staff time, MCC fund			by 1995		
17	Continue to support matching services for low income elderly households.	Planning Dept.	Staff time, CDBG	■■■■▶				
18	Encourage the conversion of existing market rate units to affordable rental units.	Planning Dept.	Staff time	■■■■▶				
19	Encourage long-term leases from churches, school districts and corporations for construction of affordable rental units.	Planning Dept.	Staff time	■■■■▶				
20	Give first priority for affordable units to people who live, work or have family in Cupertino.	Planning Dept.	Staff time	■■■■▶				
21	Utilize the City's Affordable Rent Schedule in setting affordable rents and update it annually.	Planning Dept.	Staff time	■■■■▶				
22	Adopt an ordinance to require housing mitigation procedures for new office/industrial and residential development.	Planning Dept.	Staff time	✓				
23	Investigate various financing strategies including:	Planning Dept.	Staff time	✓				
	Local and county bond financing;							
	Bank financing of mixed use projects;							
	Pension funds as sources;							
	Transfer tax for sales of property							
	Redevelopment agency reactivation;							
	Employer-assisted housing programs;							
	Non-profit housing developers' participation.							
24	Create a Housing Endowment Program for affordable housing	Planning Dept.	Staff time, CDBG			✓		
25	Require developers of affordable housing to provide a reserve for maintenance.	Planning Dept.	Staff time, Project sponsor	■■■■▶				
26	Develop an educational program for the public about affordable housing.	Planning Dept.	Staff time			✓		
27	Ensure that developers meet with neighborhood groups prior to and during development of affordable housing projects.	Planning Dept.	Staff time	■■■■▶				
28	Form a housing advocacy group to educate residents about affordable housing needs and benefits.	Planning Dept.	Staff time			✓		

## Housing Element (con't)

KEY

||||| = Ongoing

✓ = Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	RESPONSIBLE AGENCY	FUNDING SOURCE	TIMING				
				1993	1994	1995	1996	1997
29	Support existing rotating homeless shelter program sponsored by churches.	Planning Dept.	Staff time					
30	Conserve low income and handicapped units and units in congregate care residences.	Planning Dept.	Staff time					
31	Continue code enforcement and maintenance of public areas.	Planning Dept. Public Works	City Funds					
32	Provide low interest loans to rehabilitate 20-30 low income owner units.	Planning Dept.	Staff time, CDBG			✓		
33	Continue condominium Conversion Ordinance to preserve existing supply of affordable rental units.	Planning Dept.	Staff time					
34	Provide information on loan programs through the rehabilitation program.	Planning Dept.	Staff time CDBG					
35	Review existing City Ordinance and energy programs from other jurisdictions.	Planning Dept.	Staff time					
36	Offer pre-sale code inspections.	Planning Dept.	Staff time					
37	Investigate and pursue federal, state and county funded programs for expansion of rehabilitation activities.	Planning Dept.	Staff time CDBG					
38	Refer individuals experiencing discrimination to fair housing organization.	Planning Dept.	Staff time					
39	Refer landlord/tenant complaints to City-established mediation agency.	Planning Dept.	Staff time, Service agency					
40	Continue to support fair housing services through the County's CDBG program.	Planning Dept.	Staff time, County					



## Transportation Element

## KEY



= High Priority



= Low Priority

= Ongoing



= Medium Priority



= Unprogrammed

= Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
4-1	Participate in developing regional transportation solutions.										
Strategy	Support expansion of County Transit fleet and support prioritizing express services along expressways and arterial streets.										
Strategy	Support expansion of rapid transit.										
4-2	Maintain reasonable PM peak hour level of service through land use limitations.										
Strategy	Limit Stevens Creek Blvd. and De Anza Blvd. to 8 lanes; retain 16 trip/ac. core area limit which may be exceeded by a development allocation.										
Strategy	Impose FAR on commercial, office and industrial uses which may be exceeded by a development allocation.										
Strategy	Carry out citywide transportation improvement plan to accommodate LOS D on major street system except LOS E at Stevens Creek and De Anza Blvds. and De Anza Blvd. and Bollinger Road for the Heart of the City.										
Strategy	Consider an underpass at De Anza and Stevens Creek if needed.										
Strategy	Conduct a traffic analysis after completion of Highway 85 to determine opportunities to improve LOS.										
4-3	Allow development above allocations up to 2,000,000 sq. ft. if PM peak trips are not exceeded.										
4-4	Plan construction of critical street improvements to coincide with major development.										
Strategy	Require traffic study with plans for major developments.										
4-5	Interconnect private driveways in lieu of direct access to major streets.										
4-6	Protect community from harmful impacts of transportation system.										
4-7	Develop traffic management plans for neighborhoods affected by excess levels of through traffic.										
4-8	Study/implement techniques to discourage abusive driving.										

# Transportation Element (con't)

## KEY



= High Priority



= Low Priority



= Ongoing



= Medium Priority



= Unprogrammed

✓ = Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
4-9	Discourage private auto use in favor of other travel modes.										
Strategy	Encourage bicycling, motorbike use and car/van pooling.										
Strategy	Provide street space for bike lanes, ped. paths, bus turnouts.										
Strategy	Require on site bicycle facilities including parking facilities, showers, and clothing storage lockers at industrial, comm. developments.										
Strategy	Coordinate bicycle route planning with surrounding cities and County.								✓		
Strategy	Incorporate bicycle lanes and pedestrian crossings in freeway overpass construction.										
Strategy	Use City media to provide information on non-motoring travel.									✓	
Strategy	Continue to work with CUBPAC and the public to improve bicycle and pedestrian safety.										
4-10	Continue to plan for and provide a comprehensive trail and pathway system.								✓		

## Environmental Resources Element

## KEY

= High  
Priority= Low  
Priority

= Ongoing

= Medium  
Priority

= Unprogrammed

✓ = Timing  
Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide- lines	Inter- Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
5-1	Designate Williamson Act properties for their anticipated developed use.										
5-2	Recognize and support agricultural land uses in development review.										
5-3	Maintain farming/grazing in hillside areas - monitor erosion.										
5-4	Assess air quality impacts of major developments.										
5-5	Use water or oil to control dust during construction activity.										
5-6	Initiate a public education program about the Clean Air Act and ways to control emissions.								✓		
5-7	Pursue cooperation among region wide organizations to improve air quality.										
5-8	Ensure that local land use decisions support the goal of clean air.										
5-9	Continue to allow home occupations in residential areas.										
5-10	Increase tree planting on public and private property.							✓			
5-11	Consider purchase of more fuel efficient city vehicles.								✓		
5-12	Warn joggers, cyclists against inhaling pollutants- expand par jogging trails per demand.										
5-13	Landscape city projects which are near native vegetation with appropriate native plants.										
5-14	Cluster new development away from sensitive natural areas.										
5-15	Use native plants near natural vegetation and for erosion control.										
5-16	Minimize lawn area and maximize native trees by amending RHS ordinance.						✓				
5-17	Limit fencing of hillside lots to area near building, not entire site.										
5-18	Limit recreation activity as compatible with preserving natural areas.										
5-19	Provide public access to wildlife and fishing sites.										

## Environmental Resources Element (con't)

## KEY

= High Priority

= Low Priority

= Ongoing

= Medium Priority

= Unprogrammed

= Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
5-20	Provide open space linkages within and between properties for recreational and wildlife activities.										
5-21	Limit existing mineral resource areas in sphere of influence to present operations and work with Santa Clara County to ensure compatibility with City's General Plan.										
5-22	Control pollution, scenic restoration in mineral extraction activities.										
5-23	Encourage compatibility of land uses around mineral resource areas.										
5-24	Consider passive recreation uses at abandoned quarries.										
5-25	Support SCVWD development of ground water recharge sites in city; provide public rec. uses when possible.										
5-26	Encourage research of other water resources such as water reclamation.										
5-27	Encourage inclusion of conservation measures in industrial projects with Sanitary District cooperation.										
5-28	Retain natural state of water courses and associated vegetation to protect habitat and recreation potential and enhance ground water recharge.										
5-29	Pursue regional solutions to water supply problems.										
5-30	Recognize that additional growth in Reglin Mutual Water Co. district may require annexation to adjoining water district, resulting in facility and service demands to that district.										
5-31	Keep city-wide conservation efforts similar to regional efforts.										
5-32	Provide public information on water conservation techniques.										
5-33	Prohibit excessive water uses during drought conditions.										
5-34	Institute water conservation programs at City buildings.										
5-35	Continue to participate in the Non-point Source Pollution Control program.										
5-36	Encourage reduction of impervious surface areas and retaining storm runoff.										



## Environmental Resources Element (con't)

## KEY

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POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
5-37	Do not permit development if not served by Sanitary sewers except for Regnart Canyon.										
5-38	Continue to act as a liaison between PG&E and community in providing energy efficiency information.										
5-39	Continue County policies to pursue connection of upper/lower Stevens Creek Park.										
5-40	Keep Stevens Creek Reservoir and watershed in public ownership.										
5-41	Actively pursue interagency acquisition of green belt space on lower foothills.										
5-42	Provide open space/trail linkages in Figure 5-E,F,G.										
5-43	Encourage continued existence of private open space facilities.										
5-44	Seek cooperation from private land owners for public use of private open space.										
5-45	Provide park land of a minimum of 3 acres/1000 population.										
5-46	Provide park space @ 1/2 mi. safe walking distance from all households.										
5-47	Plan park areas at 3.5 acre minimum area for flexible use except if certain criteria are met.										
5-48	Design parks for flexibility and low maintenance.										
5-49	Ensure parks are bounded by public streets; create perimeter roads.										
5-50	Provide a public neighborhood park for new residential development based on park ratio requirements in Neighborhood N and adjust boundaries of Neighborhoods N and E-1.										
5-51	Determine park needs in Neighborhoods J-1, J-2 and K after completion of Sedgwick School master plan.										
5-52	Pursue park acquisition program per Table 5-B funding/timing priorities.										
5-53	Provide park and recreational space and facilities for new residential development in non-res. areas.										
5-54	Pursue partnerships to fund a recreational gymnasium and swimming pool should they be developed.										

## Public Health and Safety Element

## KEY

= High Priority

= Low Priority

= Ongoing

= Medium Priority

= Unprogrammed

= Timing Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
6-1	Adopt formal geologic process for new development.								✓		
6-2	Continue public education program to reduce earthquake hazard.										
6-3	Encourage County implementation of fire hazard policies in County GP.								✓		
6-4	Encourage outside agencies to pursue fuel management practices.										
6-5	Encourage MPOSD to allow use of green fire breaks.										
6-6	Continue to require fire sprinklers in hillside and flag lot residences.										
6-7	Require frequent grade breaks in hillside development access routes.										
6-8	Require upgrade of existing access routes in new hillside development.										
6-9	Involve Central Fire District in early design stage of projects.										
6-10	Encourage cooperation between water utilities and Central Fire District.										
6-11	Encourage utilities to consider fire fighting needs when upgrading water systems.										
6-12	Involve Central Fire District in design of public roadways.										
6-13	Promote fire prevention through public education.										
6-14	Ensure adequate fire protection for multi-story buildings.										
6-15	Consider requiring fire sprinklers in all residences.									✓	
6-16	Consider new guidelines for fire protection in commercial and industrial uses.								✓		
6-17	Discourage entry gates in private residential development.										
6-18	Allow public access to private streets in emergency for dead end streets.										
6-19	Require smoke detectors in new res. structures.										



## Public Health and Safety Element (con't)

## KEY

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POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide-lines	Inter-Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
6-20	Discourage new construction in urban flood hazard areas.										
6-21	Continue prohibiting habitable developments in natural flood plains.										
6-22	Restrict hillside grading from April to October; replant affected slopes.										
6-23	Evaluate structural integrity of city water system components.										
6-24	Use GP data to evaluate land use compatibility with noise environment.										
6-25	Design of roads along West Valley Transportation corridor should minimize noise intrusion.						✓				
6-26	Support stricter noise reduction legislation at state level.										
6-27	Prioritize resident convenience and safety over through commute traffic.										
6-28	Evaluate solutions to halt abuse of local streets, including assessment district funded improvements.									✓	
6-29	Work toward voluntary truck traffic reduction from quarries.						✓				
6-30	Work to carry out noise mitigation measures to diminish Kaiser truck traffic near Foothill and Stevens Creek Blvds.										
6-31	Plan new commercial/industrial delivery areas away from residential uses.										
6-32	Limit delivery hours per Municipal Code.										
6-33	Require noise analysis/mitigation for industrial uses near homes.										
6-34	Restrict hours of construction work near homes.										
6-35	Develop comprehensive noise ordinance to set maximum disturbance levels from many sources.								✓		
6-36	Exercise discretion in requiring noise walls.										
6-37	Support Neighborhood Awareness Program to prevent crime.										
6-38	Encircle public parks with perimeter roads when possible.										



## Public Health and Safety Element (con't)

## KEY

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Priority= Low  
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 = Timing  
Target

POLICY NUMBER	DESCRIPTION (Program Summary)	FOLLOW-UP ACTION					TIMING				
		CIP	Code Ord.	Guide- lines	Inter- Agency Coord.	Develop. Review	1993	1994	1995	1996	1997
6-39	Consider crime reduction techniques in project planning and design.										
6-40	Recognize fiscal impacts to security forces when approving land use mixes.										
6-41	Continue to involve County Sheriff in review of development applications.										
6-42	Continue to train employees annually in disaster preparedness.										
6-43	Continue to interact with ham operators to prepare for emergency communication needs.										
6-44-47	Encourage disaster preparedness community-wide.										
6-48	Continue to require proper storage and disposal of hazardous materials.										
6-49	Assess the risk of exposure to hazardous materials when new residential development or childcare facilities are proposed in existing industrial and manufacturing areas.										
6-50	Endorse County Hazardous Waste Mgmt. Plan.										
6-51	Encourage contributors to the hazardous waste stream to use non-hazardous alternative products and processes and to recycle materials.										
6-52	Continue to work with the County and other groups for proper management and disposal of household hazardous wastes.										
6-53	Continue to expand recycling program to meet state goals.										
6-54	Include all zoning districts in curbside recycling program.										
6-55	Modify on-site waste facility requirements in multi-family residential, commercial and industrial land uses to accommodate recycling.										
6-56	Continue public education regarding solid waste reduction and recycling.										
6-57	Continue recycling at City facilities.										
6-58	Consider impacts on sanitary system if significant industrial uses are proposed in Stevens Creek area.										
6-59	Recognize that high discharge users in Vallco area and Stevens Creek Blvd. /Blaney area will require developer paid upgrading of tributary lines.										



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